



**Staff Report**  
**Application # A – 38615**  
**Applicant: Ray Russell**  
**Agent: Jim McManus**

**DATE RECEIVED:** November 4, 2008

**DATE PREPARED:** December 3, 2008

**TO:** Chair and Commissioners – Island Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To adjust the boundary between the subject properties of 0.46 ha (previously a portion of a railway right-of-way) and 1.54 ha into two (2) parcels of 1.0 ha each. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

Following receipt of the application an amendment was forwarded by the local government as it was discovered that the applicant does not own the southeast corner, south of the historic right-of-way as it was originally believed. As a result, the subdivision proposal was altered in order to ensure access for both proposed parcels to Saunders Road.

**Local Government:**

Regional District of Alberni-Clayoquot

**Legal Description of Property:**

1. PID: 000-101-672  
Lot 14, District Lot 88, Alberni District, Plan 910, Except Part Shown on Plan 66 RW
2. PID: 008-266-255  
That Part of Lot 14, District Lot 88, Alberni District, Plan 910, Forming The Right of Way of the Esquimalt and Nanaimo Railway, as shown Coloured Red on Plan 66 RW, Except That Part Lying Southerly of a Boundary Parallel To and Perpendicularly Distant 50 Feet From the Centre Line of the Esquimalt and Nanaimo Railway as Shown on Plan 66 RW

**Purchase Date:**

2007

**Location of Properties:**

6102 Saunders Road, North, Port Alberni

**Size of Properties:**

2 ha (The entire property is in the ALR).

**Present use of the Properties:**

Residential building, garage and barn

**Surrounding Land Uses:**

**WEST:** rural/residential

**SOUTH:** crematorium

**EAST:** rural/residential

**NORTH:** rural

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F/07

The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Beaver Creek OCP

Designation: Rural Residential and Trail

**Zoning Bylaw and Designation:**

Designation Rural (A2) District and Forest Rural (A#) District

Minimum Lot size: A2 - 5 acres, A3 - 10 acres

**RELEVANT APPLICATIONS:**

**Application #36034-0**

**Applicant:** Madsen, John

**Decision** July 5, 2005

**Date:**

**Proposal:** To adjust the boundary of a 0.2 ha parcel and a 0.9 ha parcel to create a 0.6 ha parcel and a 0.5 ha parcel.

**Decision:** Allowed as requested, no impact to agriculture.

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**Application #37602-0**

**Applicant:** Francoeur, Roger and Glenda

**Decision** November 27, 2007

**Date:**

**Proposal:** Subdivision for a Relative: The application is in two-parts: firstly, to adjust the boundary between Lot 5 (approx. 1.5 ha) and Lot A (approx 0.6 ha), an E&N railway right of way, to create 2 parcels of approx. 1.3 ha and 0.8 ha. Secondly, to divide the remaining 0.8 ha portion of Lot 5 into two (2) 0.4 ha parcels for the applicants children.

**Decision:** Approved subdivision and boundary adjustment to create Lot A, approximately 1.7 ha, and Lot 5, approximately 0.4 ha.

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**Application #38163-0**

**Applicant:** Miller, Douglas and Bertha

**Decision** September 10, 2008

**Date:**

**Proposal:** To subdivide the 8 ha subject property to create two (2) lots at 2 ha and a remainder of approximately 4 ha.

**Decision:** Refused as proposed due to good agricultural capability.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council:**  
Support.

**APC:**  
Support.

**AAC:**  
Support and it was indicated that the lot line should follow the creek.

**Planning Staff:**  
Forward application to ALC.

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

- It appears that the applicant has owned the properties since early 2007.
- The agricultural capability of the subject properties is improvable to Class 2 with limitations of undesirable soil structure.
- There have been similar applications as discussed in the Relevant Applications section of this report where boundary adjustments have been permitted.

**ATTACHMENTS:**

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Revised subdivision plan and explanation (3 pages)
5. letter from agent (2 pages)
6. Local Government Staff Report (6 pages)

**END OF REPORT**

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**Signature**

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**Date**