



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

November 18, 2004

Reply to the attention of Gordon Bednard

Ducks Unlimited Canada
Unit 511 - 13370-78th Avenue
Surrey, BC - V3W 0H6

Dear Len Everett:

Re: Application # I-35388

001-397-451

Lot 2, Section 14, Comox District, Plan 20152, EXCEPT Parts in Plans 23046, 38112, and VIP56951;

001-397-494

Lot 3, Section 13,46,47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112;

001-397-419

Lot 2, Section 12,13 and 47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112;

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 2.3 ha lot from the above properties and use the proposed lot for the construction and operation of a farm oriented market. The application was submitted pursuant to sections 20(3) and 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on July 21, 2004 at the property and again on October 14, 2004 in Courtenay. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan;
- consolidation of the balance of the three properties by survey;
- construction and operation of the market consistent with the attached plan and guidelines
- receipt by the Commission of bonding in the amount of \$150,000.00 to ensure that irrigation improvements as outlined in the proposal received May 6, 2004 are completed;
- provision of safe highway access for the market and farm vehicle access to agricultural lands beyond, not to exceed 0.3 ha in area;
- the constructed area of the market to be set back a minimum of 7.5 m from the property boundaries;
- overall size of the market is to be consistent with the proposal of May 6, 2004, however the final layout may be varied.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the City of Courtenay at your earliest convenience.

...2

Funding provided by:



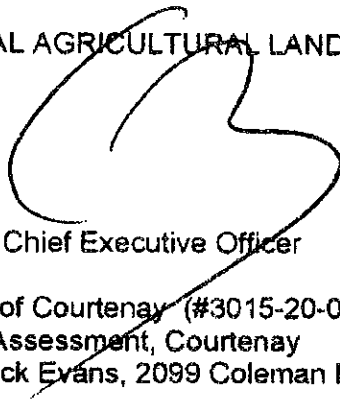
The decision noted above is recorded as Resolution # 500/2004.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and will remove the existing covenant which binds the titles of the properties. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



K. B. Miller, Chief Executive Officer

cc: City of Courtenay (#3015-20-0401) Attn: Geoff Garbutt
BC Assessment, Courtenay
Patrick Evans, 2099 Coleman Road, Courtenay, BC - V9N 1V8

GB/lv/Encl.
35388d2

Our Producer Vendor Class

If you are a grower of vegetables, fruit, or a breeder of livestock, poultry or fish, there is an excellent chance we have a stall for you.

Producers of eggs, cheese, milk, other dairy products, honey, grains and flours, bedding plants, house plants, herbs and flowers would also consider our market.

Gardeners with large home gardens in urban and suburban areas are also welcome, as many are excellent providers of niche-market and ethnic fruits and vegetables.

Baked Goods and Craft Class Vendors

Farmers and Processors: Farmers are people who raise produce (vegetables, fruits, and nuts), herbs, flowers, or nursery crops from seed or plants, and care for, nurture, cultivate, and harvest the crops offered for sale at a farmers market. Beekeepers, egg farmers, poultry growers and fish and/or shellfish growers are considered in this category also. Processors are persons offering fresh food products that have added value to their product through some sort of "hands-on" processing (examples: hand-filleted fish, smoked meats, baked goods, handmade candies, etc.)

Wood Products

Growing trees is no different than growing field crops; but you just have to be more patient. So in saying that the same applies, except this is not intended to be a lumber yard. The value adding of B.C woods such as handcrafted furniture, tables, mantles, toys, artifacts, totems, canoes, etc only. In this class agro-forestry and products such as:

- Evergreen wreaths
- Dried wreaths (salal, ocean spray, red osier dogwood)
- Evergreen swags or 'rope' (used as a garland)
- Table centerpieces (from evergreen and/or dried materials)
- Dyed/preserved/painted materials for crafters (cones, branches, floral).
- Baskets from different materials (willow, cedar, red osier dogwood)
- Dried and/or dyed floral materials
- Twig furniture (adult, children, or doll sizes)
- Buttons, boxes, pens, and picture frames (from small branches)

SINGLE DAY: A vendor can sell at the market one time. The second time the vendor wishes to sell during that season, he/she must become a member of the market. The market manager and on-site board members may jury the guest vendors' products to determine appropriateness. Local farmers bringing produce to the market may extend this guest vendor privilege to 3 markets, but then must become a member,

BOOTHS AND SPACES: The market booth size is 10 feet X 10 feet. The market does provide water and electricity to vendors... All vendors who wish to erect canopies on the farmers market site during a normal period of market operations, including the set up and break down period, are required to have their canopies sufficiently and safely anchored to the ground from the time their canopy is put up to the time it is taken down. Any vendor who fails to properly anchor his or her canopy will not be allowed to sell at the farmers market on that market day, unless that vendor chooses to take down and stow their canopy and sell without it. Self-contained kitchens in motorized trailers are not allowed. Food vendors must be able move their set-up onto the site, without damage to the area. There are assigned spaces for vendors. Set-up is at the discretion of the market manager and the board members on site. The goal is to create a market layout that is complimentary to all vendors and to the market as a whole.

PRODUCE AND FOODSTUFFS: Produce vendors are very important to the Farmers Market. The market actively seeks and encourages locally grown fresh produce at the market. Produce may be imported for sale by member vendors at the Farmers Market, so long as:

1. The vendor is the only stop between the grower and the consumer. They do not deal with shippers, warehouses, or jobbers. They do not sell any produce not grown in B.C. Resold crops shall be those that cannot be grown reliably, or offered for sale in sufficient quantity, by local farmers.
 2. Resellers must label their products as being "resold" (or other synonymous term) and information must be available for the consumer as to which farms produced those products. Example: Vancouver Island winery's would be encourage to support Okanagan wines and have ample signage from the partnering farms.
 3. Brokers, who sell none of their own produce, must apply to the board of directors in writing prior to selling at the market. This would be the case of a restraint, (however all staple ingredients, meats, poultry, vegetables, fish would have to be a product of B.C, and knowledge of the farm location and supporting "hands on" knowledge of the foods utilized.
 4. Farmers residing within B.C but not on Vancouver Island may apply to the board of directors for a residency waiver to participate in the market. These farmers must abide by the policies of the market. Perishable farm products and baked goods must be appropriately packaged and handled, complying with any applicable regulations of the Health Department.
- Hand-held food vendors (foods that are prepared substantially on-site and typically eaten on-site) are welcome at the market, so that market customers can enjoy eating at the market, as long as the product is substantially made from B.C. products.
- Foods may be purchased for resale or commercially prepackaged. The Farmers Market is committed to bringing high quality products, produce, and foodstuffs as well as new products to the market place and local community. Any goods that are not of sufficient quality may be removed from sale by on-site board members.

Market Guidelines

To ensure the integrity of the market all B.C producers must have a valid farmer's identification card or processors license..

All, farmers, venders, lease holders must sign a legal written agreement stating that the majority of product sold must be from B.C..

Upon not complying with the terms of the agreement, the lease shall be terminated.

Upon request the Land Commission will receive copies of these agreements.

A yearly authentic audit, by (one staff member city of Courtenay, One Ducks Unlimited personal, A member of the Agricultural Land Commission, & a member of the Evans family) to maintain the "Best of B.C." focal point.

The size, scope, and design of the market are still in the early stages of development and much discussions with City of Courtenay, Ducks Unlimited, Ministry of Highways are still required, however we feel there is a very strong foundation for what we are envisioning for the market location and that it will full fill the needs of the agriculture industry today and into the future.

Patrick Evans

Proposed Market Site Layout and Design

Farm Fields

430 ft

Parking lot Area

⑨

⑧

⑩

300 ft
200 ft

Farm Fields

529 ft

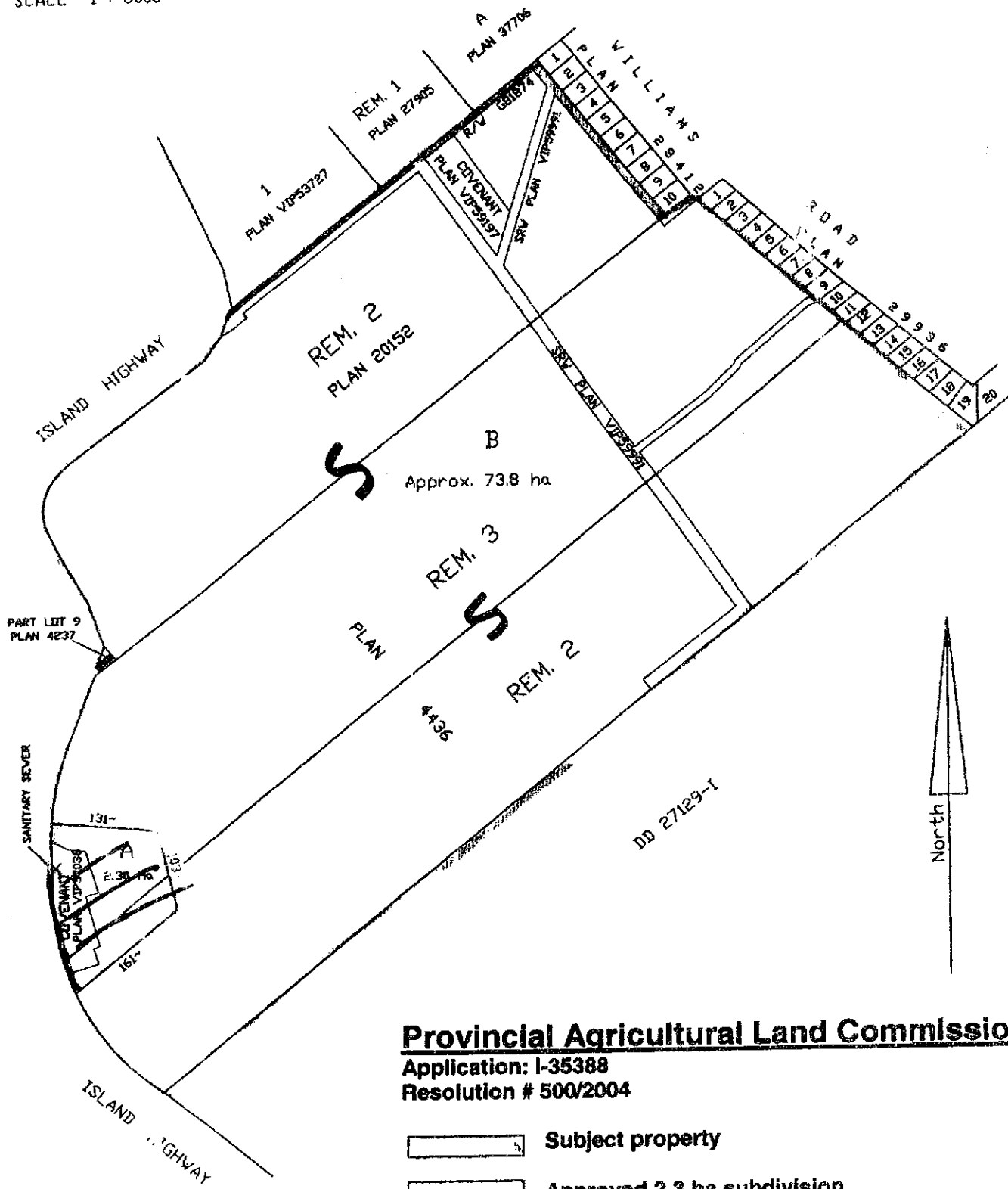
⑨

WINDY ROAD



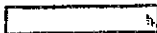



PROPOSED SUBDIVISION PLAN OF LOT 2, SECTIONS 12, 13 AND 47; LOT 3, SECTIONS 13, 46 AND 47; BOTH OF PLAN 4436, EXCEPT PART IN PLANS 23046 AND 38112) AND LOT 2, SECTION 14, PLAN 20152, EXCEPT PART IN PLANS 23046, 38112 AND VIP56951) ALL OF COMDX DISTRICT.

SCALE 1 : 5000



Provincial Agricultural Land Commission

Application: I-35388
Resolution # 500/2004

-  Subject property
-  Approved 2.3 ha subdivision
-  Area approved for market
-  Lots to be consolidated by survey

ERIC HOERBURGER, PCLS
JULY 17, 2002



Staff Report
Application # I - 35388-0
Applicant: Ducks Unlimited Canada
Agent: Patrick Evans

DATE PREPARED: July 6, 2004

TO: Chair and Commissioners - Island Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: Ducks Unlimited, through their agent Patrick Evans, is requesting subdivision and consolidation of three properties known as Comox Bay Farm. The three existing properties are approximately 25 ha each and the proposal is to consolidate these into two lots, one of 2.5 ha and a remainder of 71.5 ha. The larger lot would remain in agricultural production while the smaller lot, which is located surrounding an existing non-functional farm market, would be the site of a re-constructed market. Patrick Evans would purchase this small property. This new market would be approximately 3100 -3700 sq m in size and would feature BC farm, fisheries and forestry value added products, as well as a wildlife interpretive centre. This application is made pursuant to section 20(3) and 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission presently holds a covenant which binds the titles of the subject properties effectively "consolidating" them into one property. This was done as a condition of a previous application and remains in effect. This somewhat negates the benefit of the proposed consolidation.

As well, the proposed development of the market site (the small lot) is somewhat vague in terms of actual use requested. From the proposal it would appear that most of the proposed uses may be allowed outright under the Act or Regulations. More specifics on the form of the development (building structure, size, area, materials etc) and the proposed uses (market stalls, retail business types, etc) need to be forthcoming before the Commission can make an informed decision on this aspect of the application.

Local Government:

Municipality: The Corporation of the City of Courtenay

Parcel Identifier (PID) and Legal Description of Property:

Lot 2, Section 14, Comox District, Plan 20152, EXCEPT Parts in Plans 23046, 38112, and VIP56951

PID 001-397-451

Lot 3, Section 13,46,47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112

PID 001-397-494

Lot 2, Section 12,13 and 47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112

PID 001-397-419

Purchase Date(s)(mm/dd/yyyy):

04/01/1999

Location of Property:

1300 Comox Road, Courtenay, Comox Strathcona RD

Size of Property:

73.8 ha in three lots (The entire property is in the ALR).

Present use of the Property:

old run-down farm market, balance of land dedicated to various agricultural uses/crops

Surrounding Land Uses:

- NORTH:** Commercial / retail developments out of ALR
- EAST:** Large ALR farm operations
- SOUTH:** Courtenay River, residential and retail within city of Courtenay beyond
- WEST:** Downtown core area of Courtenay

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.066
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Rural

Zoning Bylaw and Designation:

Country Residential and Rural - 1
8 ha MLS - rezoning required for the subdivision and use of the small property

PREVIOUS APPLICATIONS

Application #26689-0

Applicant: Farquharson Farms
Decision Date: March 26, 1992
Proposal: To legitimize the existing market facilities.
Decision: Table proposal until applicant submits a detailed site plan of the entire market facility. The plan is to identify structures, display areas, paved and unpaved parking areas, storage areas, vehicle entrances and exits, etc.

Application #26689-1

Applicant: Farquharson Farms
Decision Date: October 20, 1992
Proposal: To legitimize the existing market facilities.
Decision: Refused as submitted, but granted a conditional approval.

Application #26689-2

Applicant: Farquharson Farms
Decision Date: October 20, 1997
Proposal: To grant relief from Section 3.1 of the restrictive covenant to allow Farquharson Farms Ltd. to sell Lot 3, Sections 13, 46 and 47 Comox District to Ducks

Decision: Unlimited Canada.
Refuse as proposed.

Application #32985-0

Applicant: Ducks Unlimited Canada

Decision Date: December 15, 1999

Proposal: The City of Courtenay would like to construct a pond on what used to be Farquharson Farm.

Decision: Allowed subject to a Soil Agrologist overseeing the reclamation of the land adjacent to the proposed pond.

Application #03467-0

Applicant: Farquharson Farms

Decision Date: 1975

Proposal: Application by Highways for the Courtenay bypass route

Decision: Allowed

Application #13406-0

Applicant: Farquharson Farms

Decision Date: 1981

Proposal: Sewer trunk line through a portion of the property

Decision: Allowed with rehabilitation

Application #24937-0

Applicant: Farquharson Farms

Decision Date: 1990

Proposal: Re-align entrance and exit to market based on MoTH concerns

Decision: Allowed

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS

Approve application for non-farm use and subdivision

STAFF COMMENT

Staff suggests a meeting with the applicant to clarify the proposed uses for the market property. Regarding the subdivision: as long as the use of the small property remains agricultural in nature, staff would have no objection to the subdivision/consolidation recognizing that the existing covenant already effectively prevents sale of the individual properties. Regarding the use of the small lot proposed: staff would appreciate more detailed information on proposed uses in order to allow a range of permitted uses to which the applicant and Commission can both agree. Also, in order to prevent non-approved uses from developing, the Commission may wish to consider covenants, bonding or other methods to ensure that history does not repeat itself on this property.

END OF REPORT

Director's Signature

Date



City of Courtenay
JUL 12 2004
File # _____

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

July 8, 2004

Reply to the attention of Gordon Bednard

Ducks Unlimited Canada
Unit 511 - 13370-78th Avenue
Surrey, BC - V3W 0H6

Dear Sir/Madam:

RE: Application #I-35388-0

001-397-451

Lot 2, Section 14, Comox District, Plan 20152, EXCEPT Parts in Plans 23046, 38112, and VIP56951;

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001-397-419

Lot 2, Section 12,13 and 47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112;

Please find attached a copy of the Commission's staff summary report prepared for your application. This report is a summary of the file information only.

If you have any comments regarding the staff report please forward them to the Commission.

Should you have any further questions, please contact Gordon Bednard of our staff at (604) 660-7011.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

K. B. Miller, Chief Executive Officer

cc: City of Courtenay - 3015-20-0401
Patrick Evans, 2099 Coleman Road, Courtenay, BC - V9N 1V8

/eg

Enclosure - summary report/File Information



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

May 7, 2004

Reply to the attention of Gordon Bednard

Ducks Unlimited Canada
Unit 511 - 13370-78th Avenue
Surrey, BC - V3W 0H6

Dear Sir/Madam:

RE: Application #I-35388-0

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001-397-419

Lot 2, Section 12,13 and 47, Comox District, Plan 4436, EXCEPT Part in Plans 23046 and 38112;

Your application under the *Agricultural Land Commission Act* has been received by this office.

The Commission will consider your application at its earliest opportunity. Staff will be in contact with you in the near future to arrange a meeting to discuss the proposal.

Please find enclosed for your information pamphlets entitled "How Does the Commission Make a Decision" and "What is Agricultural Land". Outlined within these pamphlets are the guidelines the Commission follows in considering an application.

The Commission's determination will be based on the information and documentation contained in your application. For this reason, it is imperative that you supply whatever additional information you may wish to convey to the Commission in the form of written documentation to ensure that any outstanding information is placed in the file prior to the Commission considering the application.

Please refer to the above noted application number in all correspondence on this matter.

You may contact this office directly by calling (604) 660-7000 or by using the toll free Enquiry BC phone line which is 1-800-663-7867 where a telephone operator will transfer your call free of charge.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

A handwritten signature in black ink, appearing to read 'K. B. Miller', is written over a white background.

K. B. Miller, Chief Executive Officer

cc: City of Courtenay - 3015-20-0401
Patrick Evans, 2099 Coleman Road, Courtenay, BC - V9N 1V8

GB/lv/Encl.