



Agricultural Land Commission
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December 13, 2005

Reply to the attention of Ron Wallace

Bernhard and Christa Weiss
PO Box 61 – 5500 Central Road
Hornby Island, BC – V0R 1Z0

Dear Mr. and Mrs. Weiss:

Re: **Application # I-36047 (Exclusion)**
**That Part of the South ½ of the South East ¼ of Section 11, Hornby Island,
Nanaimo District, Lying to the West of the South West boundary of Government
Road, Except Part in Plan 26218**

Application # I-36046 (Inclusion)
**The North East ¼ of Section 5, Hornby Island, Nanaimo District, Except Parts in
Plans 26454 and 30067**

Please find attached the Minutes of Resolution #629/2005 and #630/2005 outlining the Commission's decisions as they relate to the above noted applications.

If you wish to proceed in accordance with the Commission's decisions please advise this office in writing at your earliest convenience and begin making arrangements for the necessary land survey.

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 it will authorize the Registrar of Land Titles to accept the plan as well as confirming the areas excluded from and included to the Agricultural Land Reserve.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Islands Trust Hornby Island – HO-ALR-2005-1

RW/lv/Encl./36047.d1
Attachment: Sketch Plan

**Resolution #629/2005
Application # I- 36047-0
(Exclusion Application)**

**Resolution #630/2005
Application # I-36046-0
(Inclusion Application)**

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Commission Discussion

The Commission noted that the proposed exclusion area is physically separated from the remainder of the property by Beulah Creek and to a large extent by a ravine. The Commission believes an overall benefit to agriculture can be achieved with an approval of the proposed exclusion subject to the inclusion as proposed and the consolidation of the revised ALR components of the two properties into one lot. The end result would be roughly the same area of ALR land with as good or better capability for agriculture.

IT WAS

MOVED BY: Commissioner Rugg
SECONDED BY: Commissioner Craven

THAT with regard to application #I-36046, the Commission will exclude 8.5 ha from the ALR subject to the following conditions:

1. that the non-ALR component of the North East ¼ of Section 5, Hornby Island, Nanaimo District, Except Parts in Plans 26454 and 30067 be included into the ALR, and
2. the revised ALR components of the North East ¼ of Section 5, Hornby Island, Nanaimo District, Except Parts in Plans 26454 and 30067 and that Part of the South ½ of the South East ¼ of Section 11, Hornby Island, Nanaimo District, Lying to the West of the South West boundary of Government Road, Except Part in Plan 26218, be consolidated by survey into one (1) lot.

Resolution #629/2005

THAT with regard to application #I-36047, the Commission approved the inclusion of 8.1 ha subject to the applicants providing written confirmation accepting the conditions of approval pertaining to application #I-36046.

AND THAT if the applicants do not accept the conditions of approval pertaining to application #I-36046, the 8.1 ha area will not be included into the ALR.

Resolution #630/2005

These approvals are subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # I – 36046 and # I-36047
Applicant: Bernhard & Christa Weiss

DATE PREPARED: November 3, 2005

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To exclude 8.5 ha from the ALR and to include 8.1 ha into the ALR.

These applications are made pursuant to sections 17(3) and 30(1) of the
Agricultural Land Commission Act.

BACKGROUND INFORMATION:

A soil survey and agricultural capability evaluation was conducted by Ron Emerson, Soil Surveyor, A.I.T., November 24, 1984. In addition, Ron Emerson, P.Ag. in a recent letter to Islands Trust and the Commission confirmed that this soil survey was completed for the subject properties. This report generally concluded that the property proposed for exclusion from the ALR has soils that are generally sandy with low water holding capability. As a result this land would require significant irrigation for optimal agricultural productivity. It was also found that the land proposed for inclusion into the ALR has soils with generally higher water holding capacities and higher native fertility and would be more productive and less groundwater dependent if developed for agriculture.

In 1977, the Commission, conducted an ALR review on Hornby Island. In its initial review, the area that is subject to the current inclusion proposal was removed from the ALR. However, the area was identified as *"indicative of a Class 2 range of crops."*

Local Government:

Islands Trust, Hornby Island

Legal Description of the Properties:

1. PID: 000-081-922
The North East ¼ of Section 5, Hornby Island, Nanaimo District, Except Parts in Plans 26454 and 30067

(Inclusion Application)
2. PID: 000-082-015
That Part of the South ½ of the South East ¼ of Section 11, Hornby Island, Nanaimo District, Lying to the West of the South West boundary of Government Road, Except Part in Plan 26218

(Exclusion Application)

Purchase Date

1988 (as to both properties)

Location of the Properties:

5500 Central Road, Hornby Island

Property Sizes:

The North East ¼ of Section 5 (Inclusion Application)	23.0 ha	(15.0 ha in the ALR)
That Part of the South ½ of the South East ¼ of Section 11 (Exclusion Application)	22.7 ha	(22.7 ha in the ALR)
Totals	45.7 ha	(37.7 ha in the ALR)

Present use of the Properties:

The North East ¼ of Section 5 (Inclusion Application)	No existing buildings. Selective log harvesting.
That Part of the South ½ of the South East ¼ of Section 11 (Exclusion Application)	Residence, carport, shed and shop. Selective log harvesting, temporary use of a mobile sawmill.

Surrounding Land Uses:

WEST:	Crown land, no farming on adjacent lots
SOUTH:	RR 3, Four residential lots
EAST:	ALR residential
NORTH:	Rural residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F/10
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Hornby Island Official Community Plan Bylaw No. 104 (2003)
Exclusion property designation: Agriculture (AG)
Inclusion property designation: Rural Residential (RR)

Zoning Bylaw and Designation:

Hornby Island Land Use Bylaw No. 86 (1993)
Exclusion property designation: Agriculture (AG)
Inclusion property designation: Rural Residential (R3)

PREVIOUS APPLICATIONS:

Application #00162-0

Applicant: Slade, S. J.
Decision Date: September 20, 1976
Proposal: To exclude a portion of the property on the grounds the soil was not sufficiently fertile to carry on agricultural activities.
Decision: Allowed.

Application #02672-0

Applicant: Agricultural Land Commission
Decision Date: August 17, 1978
Proposal: Inclusion
Decision: Cabinet approved inclusion by Order in Council (174.9 ha).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Islands Trust

Hornby Island Local Trust Committee supports the applications.

Local Government Staff

The planning staff note that although amendments to plans and bylaws are not required for this application to proceed, if this application is approved by the ALC, it is expected that there will be "house-keeping" amendments initiated by the Hornby Island Local Trust Committee to the OCP, Schedules B and C, and to the land bylaw to re-zone the included lands from R3 to the AG zone.

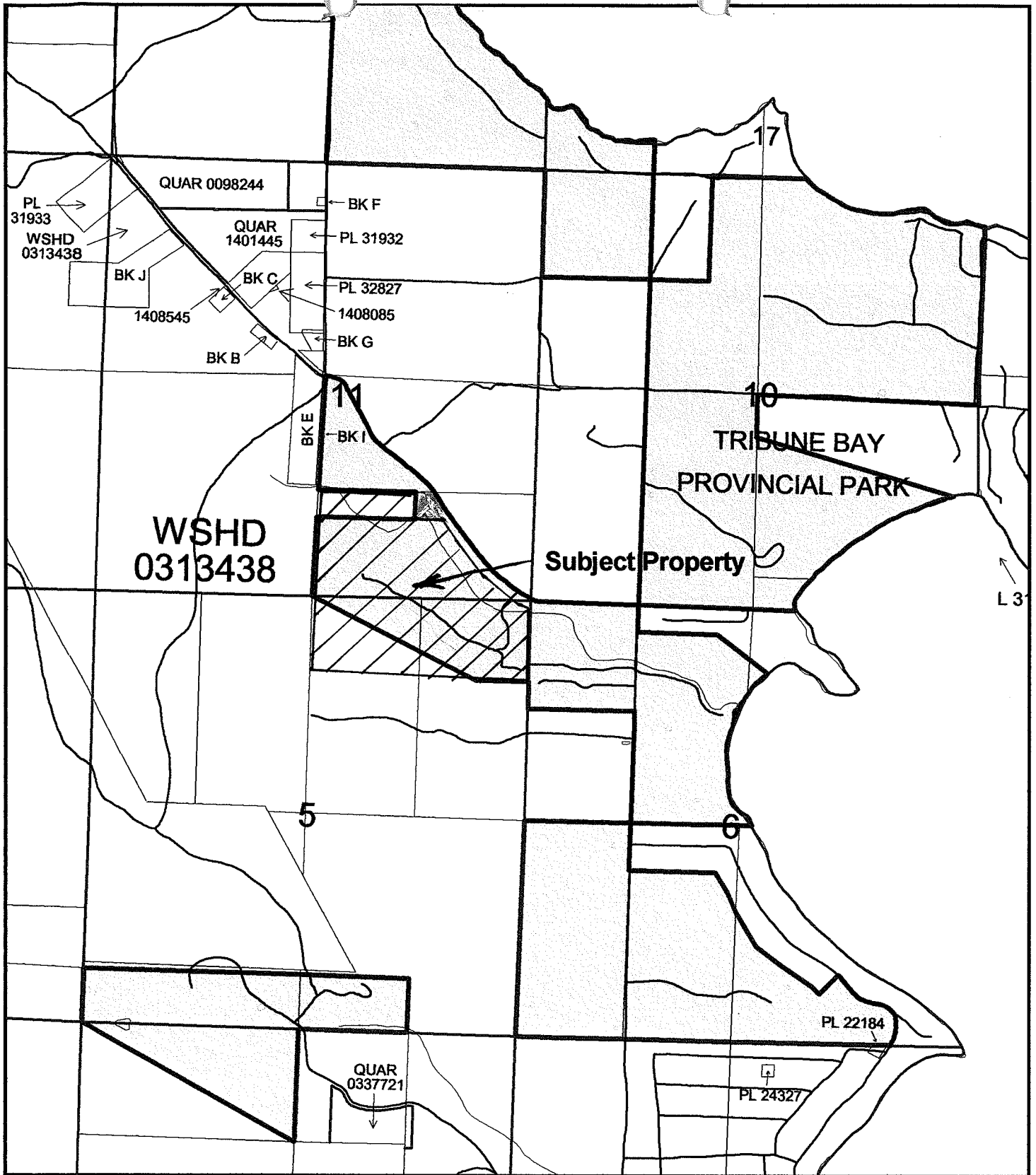
STAFF COMMENTS:

If as it appears the agricultural capability of the land proposed for inclusion into the ALR is as good or better than the land proposed for exclusion from the ALR then approval would be justified in light of the recommendations from the Hornby Island Local Trust Committee. A site inspection will benefit the Commission in considering the merits of the application.

END OF REPORT

Signature

Date



ALC CONTEXT MAP
Application # 36047

Map Scale: 1: 20000

ALC File #: 02-05-36047

BCGS Map Sheet #: 92F.057

Regional District: Comox-Strathcona