



**Staff Report**  
**Application # C – 37652**  
**Applicant: Fulford Acres Holdings Ltd**  
**Agent: Mark Wyatt**

**DATE RECEIVED:** August 29, 2007

**DATE PREPARED:** October 1, 2007

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

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide the subject property into 2 lots: a 25.6 ha parcel, which would be dedicated to the Salt Spring Island Farmer's institute as a community amenity, and one (1) additional parcel of 9.31 ha, which would include a 2.6 ha portion of non- ALR land. In exchange for the community amenity, this application involves a density transfer to the property under concurrent application #37651 at Isabella Road. The intent of the concurrent applications is to provide a net benefit to agriculture by creating secure tenure for the 25.6 ha portion of the property.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Islands Trust Salt Spring Island

**Legal Description of Property:**

PID: 026-852-926  
Lot 2, Section 7 and 8, Range 1, South Salt Spring Island, Cowichan District, Plan VIP81978

**Purchase Date:**

2006-10-01

**Location of Property:**

Fulford Valley

**Size of Property:**

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

**Present use of the Property:**

Vacant, pasture and hay with second growth timber on creek gullies and steeper land. No buildings on the subject property.

**Surrounding Land Uses:**

**WEST:** Pasture/hay and forested land, mainly in the ALR  
**SOUTH:** Forested mountainside, non-ALR  
**EAST:** Nursery and pasture/hay, ALR  
**NORTH:** Rural residential and large lot in pasture/hay use, ALR

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B/14  
The majority of the property is identified as having Mixed Prime and Secondary ratings.  
Approximately 2/3 is identified as being improvable to Class 2 and 1/3 improvable to Class 4.

**Official Community Plan and Designation:**

Salt Spring Island OCP  
Designation: Agriculture (A) and Forestry (F)

**Zoning Bylaw and Designation:**

Zoning: Salt Spring Island Land Use Bylaw No. 355  
Designation: A1 and R  
Minimum Lot Size: A1 - 8 ha, R - 2ha (minimum average)

**PREVIOUS APPLICATIONS:**

N/A

**RELEVANT APPLICATIONS:**

**Application #28644-0 (adjacent to west)**

**Applicant:** FUNK, D. & A.  
**Decision Date:** 1994  
**Proposal:** Subdivide 1.2 ha lot  
**Decision:** Refused, but allowed life-time lease

**Application #32307-0**

**Applicant:** Akerman Brothers  
**Decision Date:** November 24, 1998  
**Proposal:** To continue using the property for a sawmill and gravel pit operation. The sawmill has been operating for approximately 5 or 6 years and the gravel pit has been in existence since prior to the inception of the ALR.  
**Decision:** The Commission allowed the application subject to the gravel operation being rehabilitated in accordance with regulations as administered by the Ministry of Energy and Mines.

**Application #15563-0 (adjacent to north)**

**Applicant:** Moulton, SA  
**Decision Date:** 1982

**Proposal:** Subdivide a .45 ha lot for family from the 27 ha property  
**Decision:** Refused on the grounds of high agricultural capability

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**Application #35648-0**

**Applicant:** Courtney, David  
**Decision Date:** October 14, 2004  
**Proposal:** Subdivision of 16 ha property into two lots of 8 ha each, as divided by Burgoyne Bay Road.  
**Decision:** Allow as presented subject to undertaking that existing duplex on northern property will be only dwelling allowed on that property.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Islands Trust Regional Board:**

The Regional Board forwarded the application with a recommendation of support.

**Agricultural Advisory Committee:** Recommends that the application be approved.

**Local Government Staff:** Supports the proposal. Noted that the application is consistent with the OCP and that the donation of land constitutes a net benefit to agricultural community on Salt Spring Island

**OTHER COMMENTS:**

**Island Farmers Institute**

**STAFF COMMENTS:**

- According to the application, the subdivision will follow the physical boundaries of the property and there will be no net loss to farming.
- The area of the property to be donated is identified by the attached agrologist report to have higher agricultural capability than the property at Isabella Road. However, both parcels are within the ALR and will remain in the ALR.
- The Farmer's Institute has indicated a desire to accept the donation of land and at the time of application, was in the process of developing plans for a community farm.
- Response from the community appears to be mainly positive, with 28 letters of support included with the application. Key arguments are: preservation of farmland, local food security, local economy, and providing alternative options for farming (particularly for young farmers) in a place where land values are so high.
- Several letters of Opposition have also been received. Key arguments are concerning the subdivision at Isabella Rd, including: the proposed road alignment, potential impact on the water supply, changing the aesthetic and rural character of Fulford Harbour, and the argument that the property to be donated already is protected within the ALR.

**ATTACHMENTS:**

- ALC context map
- Aerial Photo
- Sketch of subdivision proposal
- Summary Planning Comments (supplied by applicant)
- Islands Trust Staff Report
- Soils on Site Report. Pgs.
- Letters of Support (approx. 30)
- Letters of Opposition (approx. 10)

**END OF REPORT**

*[Handwritten Signature]*  
Signature

*Oct. 2, 07*  
Date

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