



Agricultural Land Commission
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December 5, 2006

Reply to the attention of Terra Kaethler
ALC File: S - 36414

Lorne Dunn
31 Jenkins Place
Parksville, BC V9P 1G4

Dear Mr. Dunn:

Re: Reconsideration to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 581/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: Regional District of Nanaimo (#6635-04-0521)
Elizabeth Dunn, 34 Greenbrier Crescent, St Albert, BC, T8N 1A3
Andrew Rycroft, 524 Church Road, Parksville, BC, V9P 2B2
Ken Lee, 2579 MacDonald Drive, Victoria, BC, V8N 1X7

TK/lv/Encl.: Minutes
36414d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 8, 2006 in Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	Donald Rugg	Commissioner
	David Craven	Commissioner
	Roger Cheetham	Staff
	Terra Kaethler	Staff

For Consideration

Application: # S- 36414
Applicant: Lorne Dunn
Proposal: To reconsider Resolution #77/2006, to subdivide one 4 ha parcel from the property
Legal: PID: 001-429-744
Location: Lot 20, Parcel C (DD33739I), Nanoose District
527 Church Road, Parksville

Discussion

The Commission has reconsidered its decision as per Resolution # 77/2006 pursuant to the above noted application. In considering the request and reviewing the application the Commission noted the arguments put forward by the applicant.

The mandate of the Commission is to preserve agriculture for the long-term. Maintaining existing agricultural lands in large parcels is generally viewed as in the best interest for agriculture.

With the original decision, the Commission considered that it might be preferable for the area of the proposed nursery site to be increased to not more than 4 ha to allow for expansion of the business. With regard to the other two proposed subdivisions the Commission considered that the further subdivision of the farm would reduce the agricultural capability for the property.

The original decision was based on the premise that hog production had debilitated the agricultural potential of that portion of the parcel where the buildings were located, but that there was substantial opportunity for non-soil-based agricultural development in that area.

For these reasons, the Commission, reconfirmed its original decision made by Resolution #77/2006.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission truly felt that your request was not in keeping with that mandate.

Resolution # 581/2006
Application # S-36414

IT WAS

MOVED BY: Commissioner Lorne Seitz

SECONDED BY: Commissioner Don Rugg

THAT Resolution #77/2006, which approved the subdivision of the property to create one parcel not greater than 4 ha taking in the existing buildings on the site, and one parcel taking in the remainder of the farm, be reconfirmed.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 581/2006



Staff Report
Application # S – 36414-0
Applicants: Lorne and Elizabeth Dunn, Andrew Rycroft and Ken Lee

DATE RECEIVED: December 15, 2005

DATE PREPARED: February 24, 2006

TO: Chair and Commissioners – Island Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 23.1 ha parcel into three (3) parcels. Proposed lots sizes are 2.5 ha, 9.2 ha 11.5 ha.

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

BACKGROUND INFORMATION:

The applicants have proposed subdivision so the 2.5 ha portion, with all of the buildings, including the house, can be purchased by one of the farm owners and his son. The remaining two lots would be sold.

The property was a hog farm from 1985 to 1998 (a 220 sow farrow-to-finish hog multiplier). There are currently nine barns on the property which were used for the hog operation. The applicants are proposing to convert some of these barns into greenhouses. The applicants estimate that seven of these barns could be used in the plant enterprise. Currently a converted boat shelter is being used to propagate and grow plants and the applicants are converting the breeding barn into a greenhouse.

The applicants have submitted a business plan with the application. They state that they had an appraisal done of the entire farm and of parts of the proposed subdivision to determine if it was financially feasible to operate a nursery on all or part of it.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

PID: 001-429-744
Parcel C (DD33739I) of Lot 20, Nanoose District

Purchase Date:

1985

Location of Property:

527 Church Road, Parksville

Size of Property:

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

Present use of the Property:

The majority of the property is in hay. There are approximately 4 ha in second growth forest as well as one house and nine barns.

Surrounding Land Uses:

- WEST:** E & N Railway and agriculture (ALR)
- SOUTH:** Forest and undeveloped farm land (ALR)
- EAST:** Morningstar Golf Course, rural residential, agriculture (ALR)
- NORTH:** Morningstar Golf Course (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.039
The majority of the property is identified as having Primary ratings.

Official Community Plan and Designation:

Electoral Area 'G' French Creek Official Community Plan Bylaw No. 115 (1998) designates the property as "Rural"
8.0 ha minimum parcel size pursuant to "Rural" designation in OCP, Bylaw No. 1115 Section 4.

Zoning Bylaw and Designation:

Designated Rural 1 (RU1), located in Subdivision District 'D'
2.0 ha minimum parcel size pursuant to RU1 'D' designation pursuant to Regional District Land Use and Subdivision Bylaw No. 500 (1987).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Nanaimo Board: The board passed a resolution dated November 26, 2002 stating that the Agricultural Land Commission should determine whether lands should be in the ALR or not.

STAFF COMMENTS:

Agricultural Capability: About half of the property is rated Class 4 improvable to Class 2 with various subclasses. The other half is rated Class 5AP improvable to Class 3AP

Class 2 - Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 - Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

A & M	soil moisture deficiency
D	undesirable soil structure
W	excess water
P	stoniness

Agricultural Suitability: The property has been used as a hog farm in the past and is currently cultivated for hay production.

Staff recommend a site visit in order to evaluate the impact on agriculture of the proposed subdivision and the character of surrounding agricultural operations.

END OF REPORT

Simone Rivers
Signature

Feb 27, 2006
Date