



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

June 28, 2006

Reply to the attention of Gordon Bednard

Paul Christensen and Andrea Masson
2715 Turnbull Road
Qualicum Beach, BC V9K 1L7

Dear Sir/Madam:

RE: Application #S-36636
Lot A, Block 360, Newcastle District, Plan 40890

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above property into 3 lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you and Peter Mason for taking the time to meet with its representatives and tour the property on June 6, 2006. The Commission found the meeting and site visit informative.

The Commission recalled having visited the property in the past and considering an application for subdivision. The previous application was refused based on the good agricultural capability of the land. It would appear that little has changed since that proposal in 2003. The current proposal is to subdivide the land in order to raise capital to be used for farm development. The Commission feels that subdivision of good agricultural land limits agricultural options and makes land more attractive for rural residential use, instead of farm use.

For these reasons, the Commission refused your application.

The decision noted above is recorded as Resolution # **297/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Regional District of Nanaimo - Attn: Greg Keller
Peter Mason, BCLS, 2780 Turnbull Road, Qualicum Beach, BC - V9K 2L7

GB/lv/36636d1.



Staff Report
Application # S – 36636-0
Applicant: Andrea Masson
Agent: Peter Mason, BCLS

DATE RECEIVED: April 27, 2006

DATE PREPARED: May 29, 2006

TO: Chair and Commissioners – Island Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 28.4 ha property into a 12 ha lot, a 8.1 ha lot and a 8.3 ha lot.

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

BACKGROUND INFORMATION:

A letter submitted with the application gave the following reasons for the subdivision request.

The owners have plans of creating an organic farm with a retail sales market on Lot A of their property. This market would be used to sell foods grown on part of the property suitable for food production as well as giving other local growers an opportunity to sell their goods and promote and educate the health benefits and attributes of natural products.

Lots B and C of the proposed subdivision are suitable for commercial/small farm agricultural. However, it is beyond the financial means and physical capabilities of the owners to successfully farm proposed Lots B and C.

Therefore, by creating this subdivision the opportunity for others to successfully use Lots B and C of the proposed subdivision for agricultural purposes i.e. organic farming, livestock such as exotic breeds such as alpaca, lama, and emu would be feasible.

In conjunction, farming activities on proposed Lot B and C and the proposed Organic Farmers Market on Lot A could provide local area residents within Spider Lake Springs Strata Development, Spider Land and Horne Land an availability of locally grown produce, eliminating the need to travel ¾ of an hour to get produce at this time. The proposed subdivision meets the RDN zoning requirements for RU1B zoning and the proposed lots would remain in the ALR.

An agricultural capability assessment was completed for the subject property by the Commission staff agrologist in 1980 as a part of the assessment of application # S-09946. This application asked for permission to subdivide the area surrounding the subject property into a total of 31 lots. The Commission allowed all of the lots as requested with the exception of the subject property which was originally proposed as two separate lots. Two subsequent requests to subdivide the subject property have been refused.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

Lot A, Block 360, Newcastle District, Plan 40890

Purchase Date:

July 2001

Location of Property:

Turnbull Road, Nanaimo

Size of Property:

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

Present use of the Property:

Residence and horse stable, 2 ha used for hay/pasture. The remainder of the parcel is wooded and not used.

Surrounding Land Uses:

WEST: Rural Residences on 2 ha lots (non-ALR)
SOUTH: Residential / Recreation strata development (non-ALR)
EAST: Woodland (Vacant) (ALR)
NORTH: Rural Woodland (Vacant) Recently Logged (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.037
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, (2003) designates the property as "Resource"

Zoning Bylaw and Designation:

Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, (1997) designates the property as Rural 1 (RU1)
Minimum Parcel Size 8 ha.

PREVIOUS APPLICATIONS:

Application #09946-0

Applicant: Horne Lake Industries

Decision Date: May 07, 1980

Proposal: To subdivide 360 ha property into twenty-eight 8 ha lots, two 18 ha lots, one 74 ha property and a 10 ha park. About 140 ha was within the ALR.

Decision: The Commission allowed most of the proposal, except lots 24 and 25 which were required to be consolidated in a single 28 ha lot. This is the subject property.

Application #31190-0

Applicant: Hendrickson, Keith & Anne

Decision Date: March 25, 1997

Proposal: To subdivide the 28 ha property into three lots. Two lots would be 8 ha in size with a 10.6 ha remainder. A road to the adjoining property to the north is also included in the application.

Decision: Refused on the grounds that the land had reasonable agricultural capability for forage or silviculture uses.

Application #34654-0

Applicant: Christensen, Paul

Decision Date: January 23, 2003

Proposal: To subdivide the 28 ha parcel into three lots of roughly equal size. While the request on the application form speaks of division along soils/capability lines, the application creates three lots whereas there are only two soil types on the property. The applicants state that in order to develop a portion of this lot into an equestrian centre, the areas of land which may not be usable for the horses due to the soil types, should be severed from the remainder.

Decision: Refused on the grounds the land has good agricultural capability.

Application #34654-1

Applicant: Christensen, Paul

Decision Date: August 28, 2003

Proposal: The Christensen's are requesting the Commission reconsider their application based on information concerning lots sizes and residential uses on adjacent lands.

Decision: Reconsideration refused, no agricultural reason to subdivide, no new information was provided in request letter of May 27, 2003.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government noted that the proposed subdivision is consistent with their bylaw. The Regional Board did not pass a resolution specific to this application.

STAFF COMMENTS:

Agricultural Capability:

The property includes several capability polygons with classifications ranging from Class 3 to Class 1. Subclasses are W, D and A.

Class 1 - Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

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.

W - excess water

A - soil moisture deficiency

D - undesirable soil structure

Staff note that previous applications have been refused on the grounds that the subject property has good agricultural capability.

END OF REPORT

Signature

Date