



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

October 4, 2006

Please reply to the attention of Roger Cheetham

0754236 BC Ltd.
337 Phoebe Court
Kelowna, BC V1W 3Y9

Dear Sir/Madam:

Re: **Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Our Ref : S – 36828

Please find attached the Minutes of Resolution Number 452/2006 outlining the Commission's decision as it relates to the above noted application. The Commission awaits the submission of detailed plans for the buffering of the northern and eastern boundaries of the property.

For your information and guidance your attention is directed to the Commission's web site <http://www.alc.gov.bc.ca/publications/publications.htm#LBS> which shows the Commission's Landscape Buffer Specifications.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

Cc: Emanuel Hajek, 3440 De Courcy Drive, Ladysmith, BC, V9G1E4
Regional District of Nanaimo (6635-02-00601)

RC/eg/Encl.
36828d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 6th September 2006 at Crown Isle Resorts Courtenay, BC

PRESENT: Lorne Seitz Chair
David Craven Commissioner
Don Rugg Commissioner

STAFF: Roger Cheetham, Regional Planner

For Consideration

Application # S - 36828
Applicant: 0754236 BC Ltd, Agent Emanuel Hajek
Proposal: To exclude the 4 ha subject property to create 12 residential lots
Legal: PID: 003-169-871
W 80 acres of Section 14, Range 2, Cedar District, EXCEPT those parts in Plan VIP55911, VIP59885 and VIP67829

Location of Properties: Kirkstone Way Cedar

Site Inspection A site inspection was conducted on 5th September 2006.

Those in attendance were:

- Commissioners Seitz, Craven and Rugg
- Roger Cheetham, Regional Planner
- Wym Zuydervelt, Applicant
- Emanuel Hajek, Applicant/Agent
- Gordon Butt, Consulting Agrologist

At the inspection the Commissioners noted that the site is crossed by a stone ridge and that it has very limited agricultural capability. The Commission also noted the applicant's intention to retain existing vegetation and buffer the property from adjoining properties.

The site inspection lasted from approximately 3:25 – 4:10 p.m.

Commission Discussion: The Commission was of the view in the light of the site inspection and the soils report from Gordon Butt that the property has no significant agricultural capability. It considered that it was important to ensure that appropriate buffering is put in place along the northern and eastern boundaries of the property to protect properties within the ALR adjacent to these boundaries.

Page 2 - #36828

IT WAS

MOVED BY: Commissioner D. Rugg
SECONDED BY: Commissioner D. Craven

THAT in the light of the site inspection and discussion the application be approved subject to the submission and approval by the Commission of detailed plans providing for the retention of existing trees and the provision of a fence and vegetative screening along the northern and eastern boundaries of the property.

CARRIED

Resolution Number 452/2006



Staff Report
Application # S – 36828-0
Applicant: 0754236 BC Ltd.
Agent: Emanuel Hajek

DATE RECEIVED: July 17, 2006

DATE PREPARED: August 30, 2006

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 4 ha subject property to create 12 residential lots.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

A substantial tree buffer on all parent property lines will be maintained to the Commission's standards for buffering.

It is stated in the application that the small area of the parcel and the topography of the site limit its agricultural use.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

PID: 003-169-871

W 80 acres of Section 14, Range 2, Cedar District, EXCEPT those parts in Plan VIP55911, VIP59885 and VIP67829

Purchase Date:

April 2006

Location of Property:

Kirkstone Way, Cedar

Size of Property:

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

BACKGROUND INFORMATION (continued):

Present use of the Property:

Vacant

Surrounding Land Uses:

WEST: Residential subdivision .5 acre lots
SOUTH: Residential subdivision .5 acre lots
EAST: Farmland
NORTH: Farmland

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.011

The majority of the property is identified as having Mixed Prime and Secondary ratings.

A Land Capability Assessment was prepared for the application by Gordon Butt, P.Ag. It states that the need to provide substantial inputs of fertilizers and irrigation, on top of the stone-picking requirement, makes this tract of land a poor candidate for agricultural use.

Official Community Plan and Designation:

OCP: Bylaw No. 1240 (2001)
Designation: Rural Resource

Zoning Bylaw and Designation:

Zoning Bylaw No. 500 (1987)
Designation: Rural (RU4) Subdivision District "D"
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #29408-0

Applicant: Everbrite Ventures Ltd
Decision Date: December 5, 1994
Proposal: To use a 3.4 ha area for effluent disposal from a single family subdivision lying outside the ALR.
Decision: Refused on the grounds that the use of the land for septic disposal would narrow the range of agricultural opportunities.

Application #29408-1

Applicant: Everbrite Ventures Ltd
Decision Date: March 2, 1995
Proposal: To use a 0.4 ha portion of the 3.4 ha ALR area for sewage disposal (a further 0.4 ha area would be required for backup).
Decision: Refused on the grounds that septic disposal limited the potential agricultural uses of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

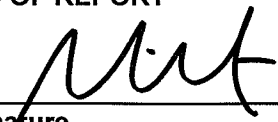
Regional District of Nanaimo Board: Passed a resolution dated November 26, 2002 stating that the ALC should determine whether lands should be in the ALR or not.

Regional District of Nanaimo Planning Staff: The "Rural Resource" designation in the OCP does not support parcels less than 8 ha or removal of lands from the ALR. In addition, the Regional Growth Strategy does not support parcel sizes of less than 8 ha.

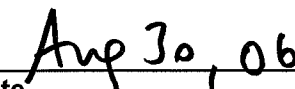
ATTACHMENTS:

- ALR Context Map: 92G.011 - 1:10,000 (Created by ALC Staff)
- Airphoto (Created by ALC Staff)
- Plan of Proposed Subdivision (Submitted by the applicant)

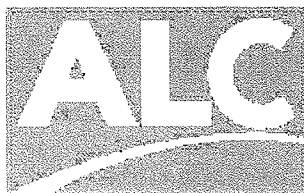
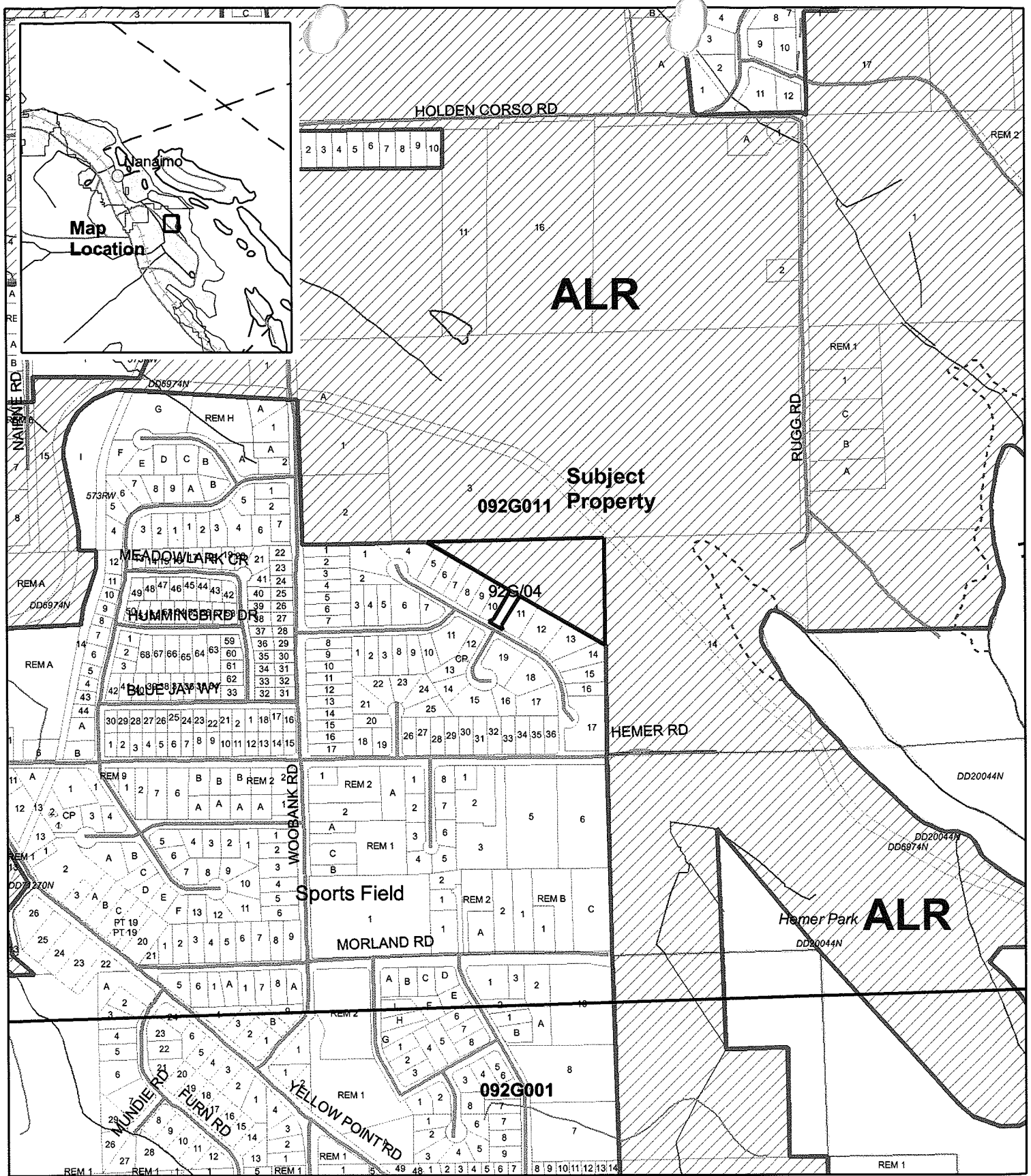
END OF REPORT



Signature

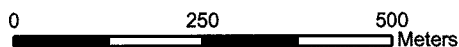


Date



ALC Context Map

Map Scale: 1:10,000



ALC File#:	02-06-36828
Map Sheet #:	92G.011
Regional District:	Nanaimo