



**Agricultural Land Commission**  
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December 5, 2006

Reply to the attention of Terra Kaethler  
ALC File: S - 36884

J.E. Anderson and Associates  
1B - 3411 Shenton Road  
Nanaimo, BC V9T 2H1

Dear Mr. Wallace:

Re: Application to Subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 565/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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 (#6635-04-0608)

TK/lv/Encl: Minutes  
36884d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 7, 2006 in Courtenay, B.C.

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

### For Consideration

Application: # S - 36884  
Applicant: David Buck  
Proposal: To subdivide the 8.2 ha parcel into two (2) 4.1 ha lots  
Legal: PID: 026-522-489  
Lot 14, Section 14, Range 4, Mountain District, Plan VIP80079  
Location: 3210 Jingle Pot Road, Nanaimo

### Site Inspection

A site inspection was conducted on November 6, 2006. Those in attendance were:

- Agent: Dave Wallace
- Commissioners: Lorne Seitz, David Craven, and Donald Rugg
- Staff: Roger Cheetham, Terra Kaethler

Mr. Wallace confirmed that the staff report dated October 17, 2006 was received and no errors were identified.

### Discussion

#### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The subject property was identified as having mixed prime and secondary agricultural capabilities. As such, the Commission considered the subject property to have capability for agricultural production.

Further, the Commission does not believe there are external factors such as encroaching non-farm development that render the land unsuitable for agricultural use.

#### **Assessment of Impact on Agriculture**

The Commission considered that the creation of smaller lots in this area would be detrimental to agriculture. A subdivision in this area may result in similar applications for further subdivisions of other agricultural lands adjacent to the subject property.

Therefore, the Commission believed the proposal would decrease the maximum agricultural potential of the property and negatively impact existing agricultural use of surrounding lands. As such, the Commission was not prepared to allow subdivision of the property.

**Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the proposal will impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner David Craven

**SECONDED BY:** Commissioner Don Rugg

THAT the application be refused as proposed.

**CARRIED**

**Resolution # 565/2006**



**Staff Report**  
**Application # S – 36884**  
**Applicant: David Buck**  
**Agent: J E Anderson and Associates**

**DATE PREPARED:** October 17, 2006

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

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

**PROPOSAL:** To subdivide the 8.2 ha parcel into two 4.1 ha lots.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Nanaimo

**Legal Description of Property:**

PID: 026-522-489

Lot 14, Section 14, Range 4, Mountain District, Plan VIP80079

**Purchase Date:**

January 2006

**Location of Property:**

3210 Jingle Pot Road, Nanaimo

**Size of Property:**

8.2 ha (The entire property is in the ALR)

**Present use of the Property:**

Vacant

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Rural residential  
**EAST:** Rural residential  
**NORTH:** Rural residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.020  
The property is identified as having prime and secondary agricultural capability ratings.

**Official Community Plan and Designation:**

OCP: Bylaw No. 1055 (1998)  
"Resource Lands within the ALR"

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 500 (1987)  
Designation: Rural 1 Subdivision District "D" (RUID)  
Minimum Lot Size: 2.0 ha

**PREVIOUS APPLICATIONS:**

**Application #35949-0**

**Applicant:** Weyerhaeuser Co. Ltd  
**Decision Date:** May 26, 2005  
**Proposal:** To subdivide 72 lots from eight parent parcels. Approximately 15 ha of the total area are within the ALR. The applicant proposed to create two lots, one of 6.3 ha and one of 8.1 ha on the ALR portion. In addition, the applicant proposed to dedicate a 20 metre wide road right-of-way within the ALR.  
**Decision:** Allowed subdivision of the ALR portion of the property into two lots as divided by Jingle Pot Road.

**Application #23037-0**

**Applicant:** West Coast Energy Inc.  
**Decision Date:** 1983  
**Proposal:** To allow a power utility across the subject property.  
**Decision:** Allowed.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District 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.

**Regional District of Nanaimo Planning Staff:**

Noted that there are a number of easements, statutory right of ways, and covenants registered on the title of the subject property. Direct access to Jingle Pot Road may be a concern.

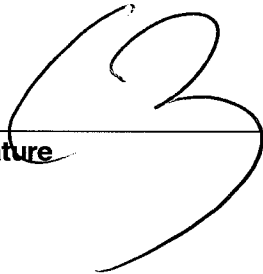
**ATTACHMENTS:**

1. Portion of BCGS Map #92F.020
2. Aerial Photograph
3. Plan of proposed subdivision

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**END OF REPORT**

Signature



Date

*Oct 20/06*