



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

December 5, 2006

Reply to the attention of Terra Kaethler
ALC File: A - 36924

Kristopher Elder
7325 Bell Road
Port Alberni, BC V9Y 9E7

Dear Mr. Elder:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 568/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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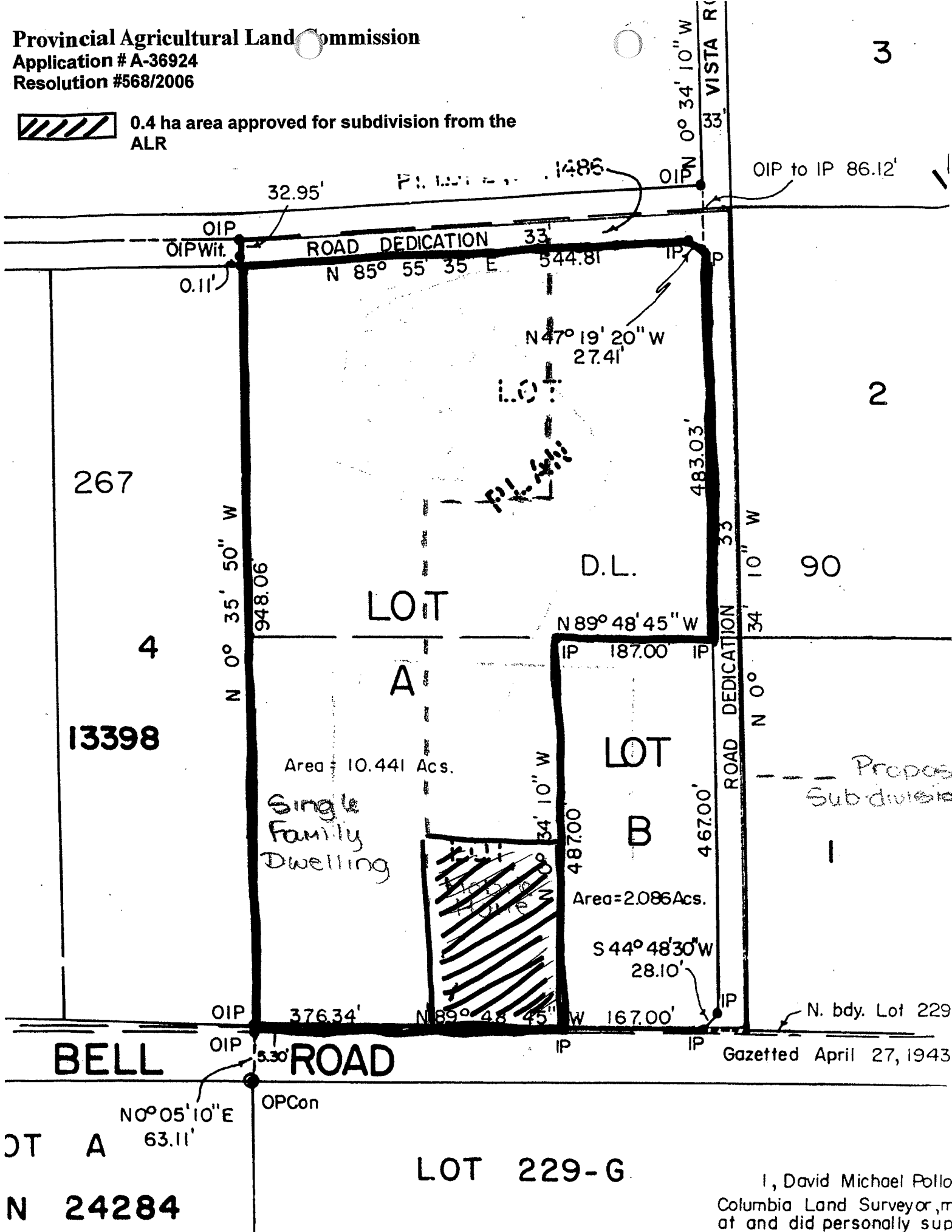
Erik Karlsen, Chair

cc: Regional District of Alberni-Clayoquot (#AD06002)

TK/lv/Encl: Minutes/Sketch Plan
36924d



0.4 ha area approved for subdivision from the ALR



Proposed Subdivision

N. bdy. Lot 229

Gazetted April 27, 1943.

DT A
N 24284

LOT 229-G

I, David Michael Pollo
Columbia Land Surveyor, m
at and did personally sup



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # A- 36924
Applicant: Kristopher Elder
Proposal: To subdivide the 4 ha parcel into two (2) equal-sized lots.
Legal: PID: 001-225-596
Lot A, District Lot 90, Alberni District, Plan 30735
Location: 7325 Bell Road

Site Inspection

A site inspection was conducted on November 7, 2006. Those in attendance were:

- Applicant: Kristopher Elder
- Family members: Shawn Elder (brother to applicant)
- Commissioners: Lorne Seitz , Donald Rugg, David Craven
- Staff: Roger Cheetham, Terra Kaethler

Mr. Elder confirmed that the staff report dated October 13, 2006 was received and no errors were identified.

The Commission viewed the property. Adjacent to Bell Road, the property was cleared with a house and a mobile home on the property. The back portion of the parcel was treed, but had been previously logged. The Commission walked the property and found that the land was flat and the soil appeared to have good capability.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The majority of the subject property is identified as having prime agriculture capability ratings. The Commission considered the applicants' position that the land did not have sufficient water access for agricultural use, however the Commission discussed that this was not sufficient to warrant the subdivision of a parcel with such high agricultural capability ratings.

Assessment of Agricultural Suitability

The Commission next assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission does not believe that the creation of two smaller lots in this area would be beneficial to agriculture. Therefore, the Commission believes the proposal as submitted would negatively impact the agricultural potential of the property and as such is not prepared to allow the subdivision as proposed.

However, the Commission considered that the agriculture capability of land where the two existing dwellings are located is low and that a subdivision not to exceed 0.4 ha around the mobile home and surrounding lands would be acceptable. This alternative proposal would keep the majority of the property together in one large parcel, which is more suitable for agricultural uses.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact future agriculture uses.
4. That a small lot subdivision around the existing mobile home will not compromise the agricultural suitability of the remainder property.

IT WAS

MOVED BY: Commissioner Don Rugg
SECONDED BY: Commissioner David Craven

THAT the application be refused as proposed,

AND THAT approval for subdivision be granted subject to the following conditions:

- THAT the subdivided lot is to encompass the mobile home and is not to exceed 0.4 ha
- THAT a subdivision plan to delineate the new lot be prepared
- THAT Commission approval is needed for any increase in lot size made necessary by the review and requirements of other approval agencies
- AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. Subdivision is to be completed within this timeframe.

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 # 568/2006



Staff Report
Application # A – 36924-0
Applicants: Kristopher and Christa Elder

DATE PREPARED: October 13, 2006

TO: Chair and Commissioners – Island Panel

FROM: Colin Fry, Director – Regional Operations

PROPOSAL: To subdivide the 4 ha parcel into two (2) equal-sized lots.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Alberni-Clayoquot

Legal Description of Property:

PID: 001-225-596
Lot A, District Lot 90, Alberni District, Plan 30735

Purchase Date:

Certificate of Title entered on October 15, 2004

Location of Property:

7325 Bell Road

Size of Property:

4.0 ha (The entire property is in the ALR)

Present use of the Property:

Two dwellings – one house and one mobile home. Primarily forested.

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.026
The majority of the property is identified as having prime agricultural capability ratings.

Official Community Plan and Designation:

OCP: Sproat Lake
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning Bylaw No. 15
Designation: Rural (A2) District
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #02000

Applicant: Gijsbers, J.G.
Decision Date: 1976
Proposal: To subdivide 5.0 ha parcel into three 0.8 ha lots and a 2.8 ha remainder.
Decision: Refused as submitted. Allowed the subdivision of one 0.8 ha lot.

(NOTE: This decision created the current subject property)

Application #02768-0

Applicant: Gijsbers, J.G.
Decision Date: 1975
Proposal: To construct a second dwelling.
Decision: Refused as submitted but allowed mobile home – second dwelling allowed on reconsideration.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District Planning Staff:

Staff recommended the Regional Board forward the application to the Agricultural Land Commission for its adjudication in regards to capability for farming and subdivision.

Advisory Planning Commission:

The APC concurs with the Regional District's planning staff.

Regional Board:

The Regional Board concurs with its planning staff.

Agricultural Advisory Committee

Retention of larger parcel would preserve the future agriculture use. A subdivision is not supported.

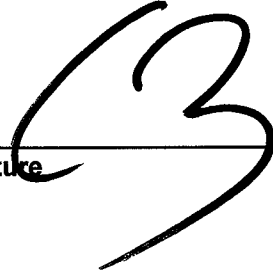
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Re: Application #A-36924

Attachments:

1. Portion of ALR Constituent Map 16
2. Aerial photograph
3. Map of proposed subdivision
4. Regional District Staff Report – July 14, 2006

END OF REPORT

Signature

A large, stylized handwritten signature in black ink, appearing to be the number '3' with a large loop on the left side, written over a horizontal line.

Date

The date 'Oct 13/06' written in a cursive, handwritten style in black ink, positioned above a horizontal line.