



Agricultural Land Commission
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January 18, 2007

Reply to the attention of Terra Kaethler
ALC File: # S- 37040

Imperial Greenhouses Ltd.
2257 Yellow Point Road
Nanaimo, BC V9X 1W9

Dear Sir/Madam:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 0003/2007 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:

Erik Karlsen, Chair

cc: Regional District of Nanaimo (#6635-04-069)

RC/lv/Encl.
37040d1

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

The Commission was impressed with the level of agricultural activity taking place on the property. It recognized the challenges with regard to the availability of water and noted that the creation of the western lot would improve the chances of water being obtained from the North Cedar Improvement District. It also noted that the applicant intended to establish a new tulip growing operation on this lot and the creation of a separate lot would enable the agricultural activity taking place on this property to be independently financed. Finally with regard to the western lot the Commission noted that its size was consistent with other lots fronting nearby Cedar Road in this vicinity and that it would not have any detrimental impact on nearby agricultural activities. With regard to the proposed eastern lot the Commission did not consider that there would be any benefits for agriculture, it being noted that it was the applicants' intention to use the proposed lot for residential purposes.

IT WAS

MOVED BY: Commissioner Craven
SECONDED BY: Commissioner Rugg

THAT the application be refused as proposed.

AND THAT the proposed western parcel be approved subject to the the subdivision being in substantial compliance with the plan submitted with the application.

AND THAT the approval is only valid for three (3) years from the date of this decision. If the subdivision is not completed within this time-frame, the approval will lapse.

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 # 0003/2007



Staff Report
Application # S – 37040
Applicant: Imperial Greenhouses Ltd.

DATE RECEIVED: November 1, 2006

DATE PREPARED: December 6, 2006

TO: Chair and Commissioners – Island Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 22 ha parcel into two 2 ha lots and one 18 ha lot.

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

BACKGROUND INFORMATION:

Local Government:

City of Nanaimo

Legal Description of Property:

PID: 002-850-826

Lot 1, Section 10, Range 2, Cedar District, Plan 24976, EXCEPT that part in Plan 26245

Purchase Date:

July 2000

Location of Property:

2257 Yellow Point Road, Nanaimo

Size of Property:

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

Present use of the Property:

greenhouse operations

Surrounding Land Uses:

WEST: residential and road
SOUTH: Crow & Gate Pub/Restaurant and hayfield
EAST: Yellow Point Road
NORTH: residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.001
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240 (2001) designates the property as Rural Resource

Zoning Bylaw and Designation:

Regional District of Nanaimo Zoning and Subdivision Bylaw no. 500, (1987) designates the property as n: Rural 4 subdivision (RU4D)
Min Lot Size: 2ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Nanaimo Board: The Regional Board forwarded the application without an application specific resolution.

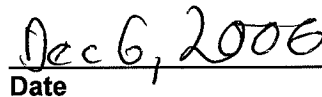
ATTACHMENTS:

- Proposal (Submitted by the applicant)
- Sketch of proposed subdivision (Submitted by the Applicant)
- ALC Context Map - 92G.001 - 1:10,000 (Created by ALC Staff)
- Airphoto - 1:10,000 (Created by ALC Staff)

END OF REPORT



Signature



Date