



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

April 18, 2007

Reply to the attention of Terra Kaethler
ALC File: #1 - 37212

Daniel Ellis
PO Box S54
Campbell River, BC V9W 5T9

Dear Sir:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 109/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Campbell River (#6430-20-ALR-06-129)

Enclosure: Minutes

TK/lv
37212d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 15, 2007 in Courtenay, B.C.

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

For Consideration

Application: # I - 37212
Applicant: Daniel Ellis
Proposal: Subdivision for a Relative: The proposal is to subdivide the 12.7 ha subject property into three lots (two 4 ha lots and one 4.7 ha lot) for the applicant's children.
Legal: PID: 000-293-962
Location: Lot 4, District Lot 1609, Sayward District, Plan 40732
Location: 4700 Argonaut Road, Campbell River

Site Inspection

A site inspection was conducted on March 15, 2007. Those in attendance were:

- Daniel Ellis Applicant
- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff

The Commission walked the property and observed that the majority of the property had been cleared and that the soil capability appeared reasonable. The Commission also noted that the properties across the road appeared to have been improved. There was no current agricultural activity happening on the property and the applicant made no mention of any plans for agricultural use in the future. The Commission observed the non-farm use of approximately eight trailers on the property and the applicant stated he used the property for storage.

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

Discussion

The Commission considered the subject property has some capability for agricultural production at its current size of 12.7 ha. The Commission discussed that the creation of three smaller lots in this area would be undesirable from an agricultural perspective and significantly reduce the agricultural capability of the property.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land and considered that the proposal would impact potential agricultural use of the property.

In regards to the storage of trailers on the property, the Commission believes the trailers are a non-conforming use of a property within the Agricultural Land Reserve and should be removed from the property as they are not being used for agricultural activity.

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 production.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.
5. That the storage of trailers is an unauthorized non-farm use of ALR land.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused and that the applicant remove the trailers on or before June 1, 2007.

CARRIED

Resolution # 109/2007



Staff Report
Application # I – 37212
Applicant: Daniel Ellis
Location: Campbell River

DATE RECEIVED: January 26, 2007

DATE PREPARED: February 28, 2007

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide the 12.7 ha subject property into three lots (two 4 ha lots and one 4.7 ha lot) for applicant's children.

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

BACKGROUND INFORMATION:

Local Government:

District of Campbell River

Legal Description of Property:

PID: 000-293-962
Lot 4, District Lot 1609, Sayward District, Plan 40732

Purchase Date:

04/01/2002

Location of Property:

4700 Argonaut Road, Campbell River

Size of Property:

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

Present use of the Property:

Residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 92K/3
The majority of the property is identified as having Secondary ratings.

Surrounding Land Uses:

WEST: Residential
SOUTH: Road
EAST: Residential
NORTH: Park

Official Community Plan and Designation:

OCP: Bylaw No. 3150 (2004)
Designation: Rural

Zoning Bylaw and Designation:

Zoning: Bylaw No. 2700 (1998)
Designation: Rural 2 Zone (RU-2), Minimum Lot Size: 4.0 ha

PREVIOUS APPLICATIONS:

Application #29317-0

Applicant: District of Campbell River
Decision Date: January 16, 1995
Proposal: To exclude 12 properties, which have a combined total size of 115 ha.
Decision: Refused on the grounds that the site assessment indicated that the area has capability for agriculture and should be retained in the ALR.

Application #04848-0

Applicant: Ivan Knowles
Decision Date: October 20, 1977
Proposal: To subdivide the 115 ha subject property into 12 lots to provide homes for family members.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Campbell River Council: Forwarded the application with a recommendation for approval with no public road dedication.

STAFF COMMENTS:


Staff suggests that the Commission consider the following:

- The property was created as the result of a subdivision approved by the Commission.
- The Commission refused the exclusion of the property, and the 11 others created by the above-noted subdivision, on the grounds that it had agricultural capability. Subdividing it into three parcels could potentially reduce the agricultural capability of the property.

ATTACHMENTS:

- ALR Context Map (1:50,000)
- Plan of subdivision
- Air photo

END OF REPORT



Signature

Feb 28, 07

Date

125°22'0"W

125°20'0"W

125°18'0"W

125°16'0"W

50°40'0"N

50°20'0"N

50°0'0"N

CAMPBELL RIVER

Map Location

N-Island Hwy

Elk Falls Park

CAMPBELL RIVER

Hwy 28

Subject Property

Inland Island Hwy

Inland Island Hwy

ALR

125°22'0"W

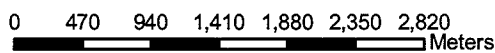
125°20'0"W

125°18'0"W

125°16'0"W



Map Scale: 1:50,000



ALC File #: 21-07-37212

Mapsheet #: 92K.004

Map Produced: Feb 28, 2007

Regional District: Comox-Strathcona