



Staff Report
Application # A – 37784
Applicant: Nathan Sogge

DATE RECEIVED: November 05, 2007

DATE PREPARED: December 6, 2007

TO: Chair and Commissioners – Island Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the existing 3.9 ha lot in order to create two (2) lots, one (1) at 2 ha and one at 1.9 ha. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants indicated that the purpose of this application is to provide a building lot for a downsized retirement home to be built on the northern part of the lot.

Local Government:

Regional District of Alberni-Clayoquot

Legal Description of Property:

PID: 003-687-929

Lot 6, District Lot 107, Alberni District, Plan 3468, Except that part in Plan VIP64792

Purchase Date:

1992

Location of Property:

6199 Smith Road, Beaver Creek area

Size of Property:

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

Present use of the Property:

Residence, garage and storage shed, some cleared areas with grass and tree stumps

Surrounding Land Uses:

WEST: Vacant land just subdivided into lots
SOUTH: Residential with standing timber
EAST: Residential with standing timber
NORTH: Farm (in the process of being subdivided)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.036 (digital)
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Beaver Creek OCP
Designation: Rural Residential

Zoning Bylaw and Designation:

Alberni-Clayoquot Regional District Bylaw No. 15
Designation: Rural (A2) District
Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

West adjacent

Application #27487-0

Applicant: Haynes, Robert

Decision Date:

Proposal: Subdivision of the subject property to create two lots, one of 2.0 ha and one of 6.0 ha.

Decision: Refused on the grounds that a reduction in parcel size would not be in the best interests of agriculture and may in fact have negative long-term repercussions. In addition, the Commission felt that an increase in lot density would have future negative implications with regard to agricultural utilization. Thus, the result would be a reduction in overall agricultural potential.

East adjacent

Application #36433-0

Applicant: Burgess, David

Decision Date: March 07, 2006

Proposal: To subdivide the subject property into five 'hobby farms' of approximately 2.5 ha each.

Decision: Allowed subject to the registration of the subdivisions taking place progressively as each preceding site is cleared, destumped and seeded.

Application #36433-1

Applicant: Burgess, David

Decision Date: November 07, 2006

Proposal: To have the conditions of the original decision reconsidered in order to allow the parcels to be registered all at once.

Decision: Allowed as the conditions have been met.

Application #36477-0

Applicant: Dekens, Peter & Tryntje

Decision Date: March 07, 2006

Proposal: To subdivide the 5.8 ha subject property into two lots of 2.9 ha each. One lot for the existing single family dwelling and accessory buildings and the other lot would contain a new smaller home, pasture area, and deer handling facility.

Decision: Approved having regard to the poor agricultural potential of the property and the support of the AAC for the proposal

North adjacent

Application #37658-0

Applicant: Krause, Harry and Ruth

Decision Date: November 28, 2007

Proposal: The applicant proposes consolidating 51 parcels in order to create three (3) lots of approximately 2.0 ha each with the remainder lot of 23.5 ha.

Decision: Allowed with conditions.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Board:

The Regional Board passed a resolution on October 24, 2007 to forward this application onto the Land Commission.

Advisory Planning Commission:

Forwarded a recommendation to the Board that this application be forwarded to the ALC.

AAC:

Forwarded a recommendation to the Board that this application be forwarded to the ALC.

Staff:

That the Board pass a resolution to forward the application to the ALC for their adjudication.

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The agricultural capability of the subject property is improvable to Class 2 and a small portion of Class 3 in the north-eastern tip of the property.
- From the aerial photograph there appears to be agriculture happening on other properties in the area. The applicant's comment mirrors this observation.
- A site visit will help to determine whether or not this application will have an impact on agriculture or not.

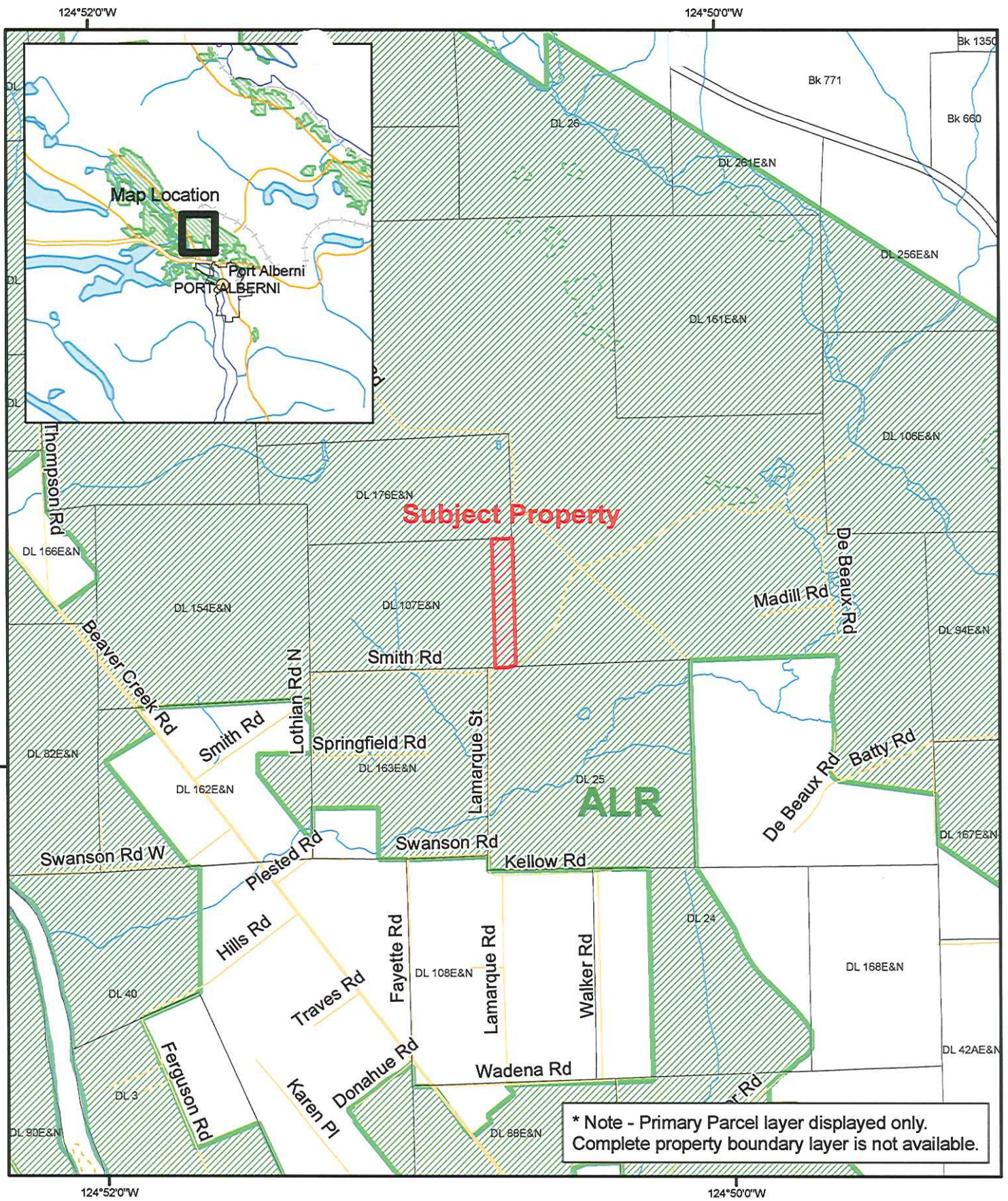
ATTACHMENTS:

1. ALC Context maps (2)
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketch of Proposal
5. Letter from applicant
6. Local Government Report (6 pages)

END OF REPORT

Signature 

Date Dec 6, 2007

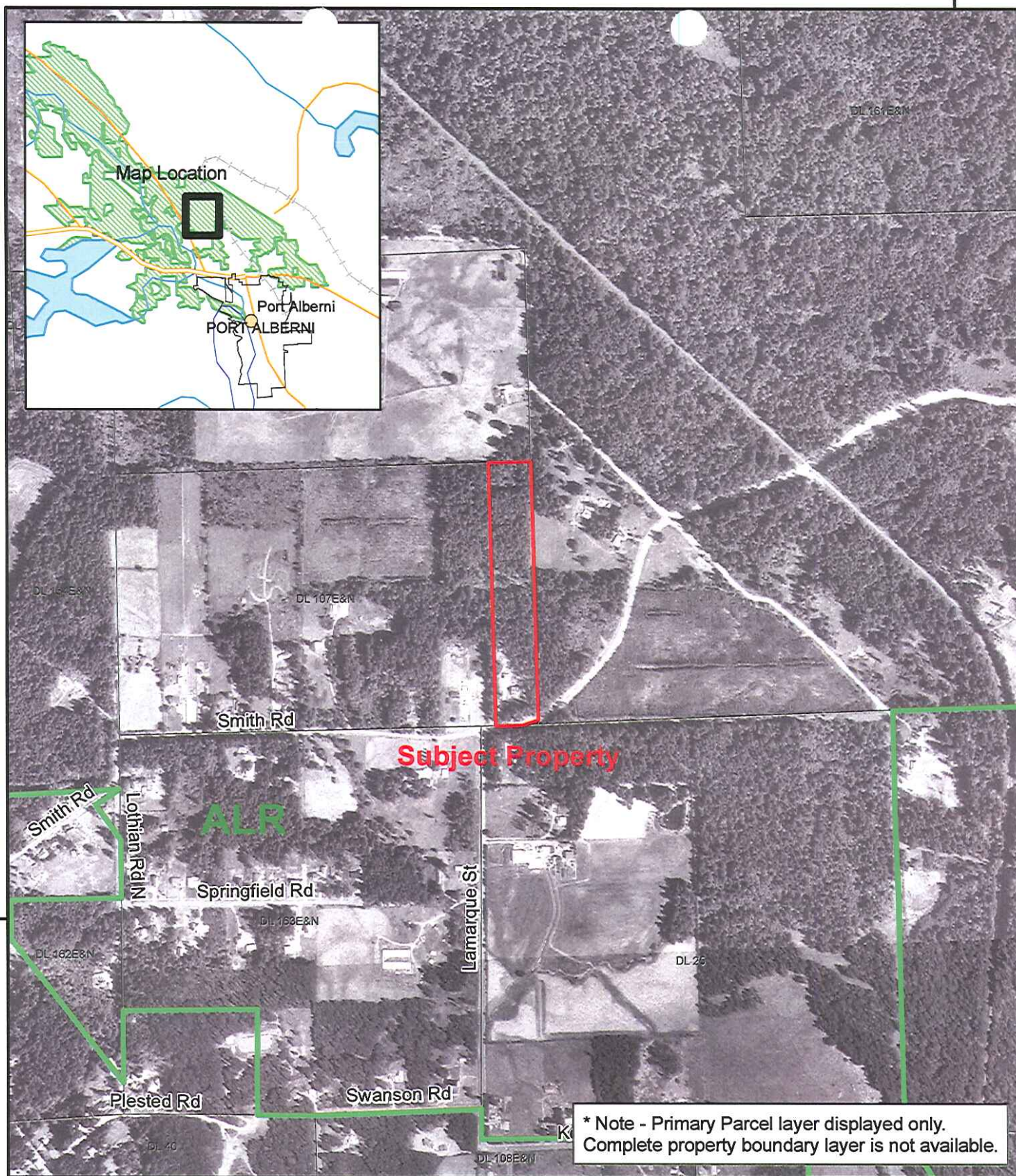


* Note - Primary Parcel layer displayed only.
Complete property boundary layer is not available.

ALC File #:	21-2007-37784
Mapsheet #:	92F.036
Map Produced:	Nov. 28, 2007
Regional District:	Alberni-Clayoquot

ALC Context Map
Map Scale: 1:20,000





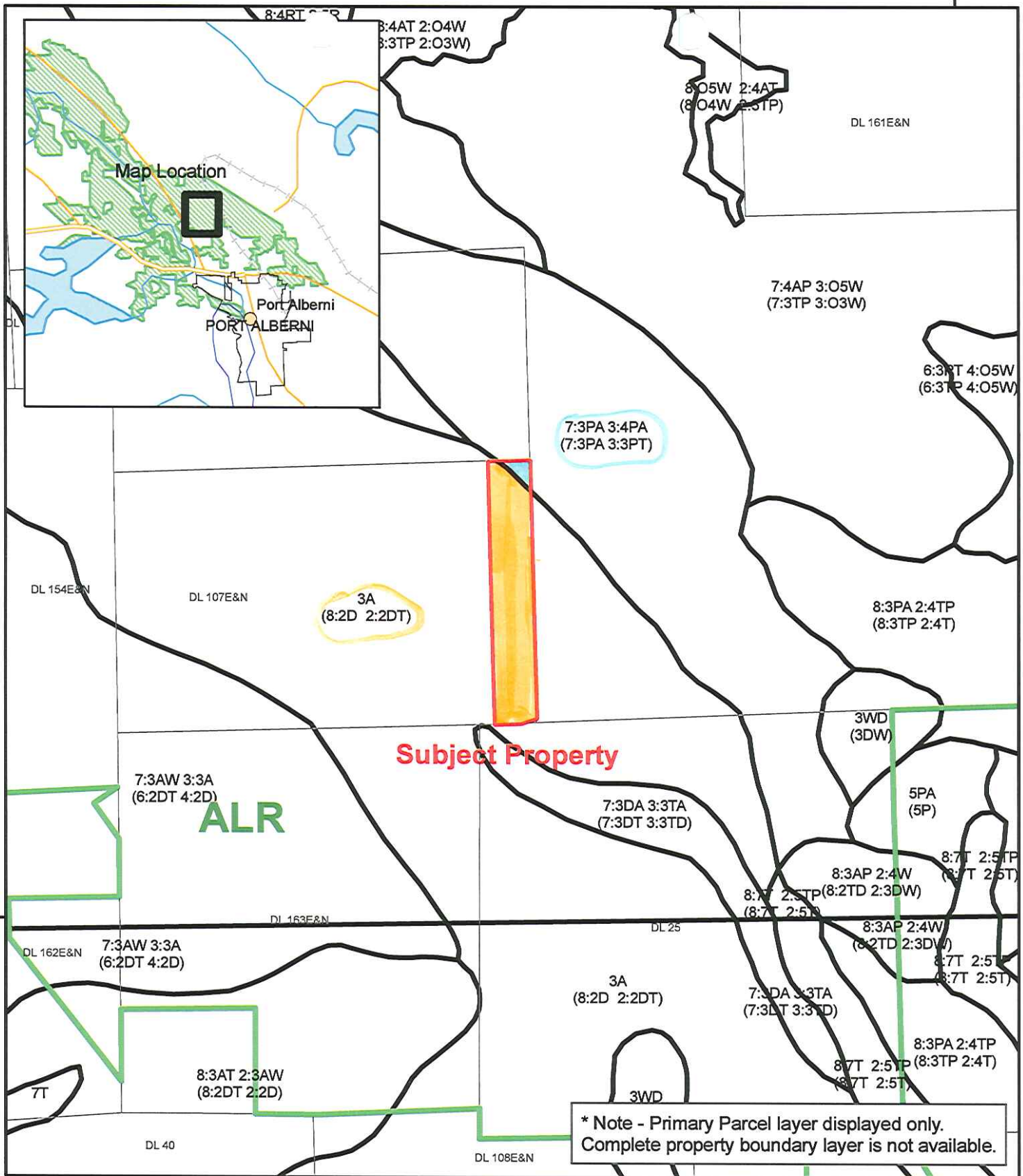
49°18'0"N

ALC File #:	21-2007-37784
Mapsheet #:	92F.036
Map Produced:	Nov. 28, 2007
Regional District:	Alberni-Clayoquot

Provincial Orthophoto

Map Scale: 1:10,000





49°18'0"N

ALC File #:	21-2007-37784
Mapsheet #:	92F.036
Map Produced:	Nov. 28, 2007
Regional District:	Alberni-Clayoquot

Agricultural Capability

Map Scale: 1:10,000



MATON RD.

SCALE: 2cm = 100 FT.

DATED: APRIL 25/07



STUMPS

LOT 6 D.L.107
ALBERNI DIST.
PLAN 3468

PROPOSED LOT 2
4.587 ACRES

OBSERVATION HOLES
SEPTIC

APPROX. PROPOSED SUBDIVISION LINE

PROPOSED LOT 1

5 ACRES
NEW PASTURE

1596.6 FT.

3 SIDED STORAGE SHED

SHOP

HOUSE

SEPTIC FIELD

264.8 FT.

EXISTING WATER LINE
DEAVER CREEK IMPROV. DIST.

FLAVELLE - RD.

SMITH RD

POWER LINE

LAMARQUE RD.

1

5

2

21

22

DATE OF PURCHASE EXPLANATION

I FIRST PURCHASED THE PROPERTY IN 1992 WITH MY EX WIFE CAMIE HODGSON. THEN IN 1998 I WAS FORCED BY THE COURT TO PUT IT FOR SALE BECAUSE OF DIVORCE. I FOUND A PARTNER THAT HELPED ME BUY IT AGAIN. THEN IN AUGUST OF 2001 I WAS ABLE TO BUY OUT MY PARTNER AND BECOME SOLE OWNER. MY NAME HAS BEEN ON THE TITLE'S SINCE 1992.

M. [Signature]

PROPOSAL FOR SUBDIVISION

I WOULD LIKE TO SUBDIVIDE FOR THE MAIN REASON OF DOWNSIZING AND BEING ABLE TO STAY IN THE AREA. THE HOUSE HAS 5 BEDROOMS AND 4 BATHROOMS, AND I AM A SINGLE MAN WITH A FIANCE'. WE WOULD LIKE TO BUILD A SMALL RANCHER ON THE BACK PIECE OF THE PROPERTY. THE ROAD ALLOWANCE AND WATER LINE ARE IN PLACE, MAKING DEVELOPMENT FAIRLY STRAIGHT FORWARD. FROM WHAT I UNDERSTAND THERE IS A GRANDFATHER CLAUSE IN PLACE THAT MAKES THINGS EASIER. I HAVE OWNED THE PROPERTY FOR 15 YRS.

LAND SIZE

I REALIZE THAT THE PROPERTY IS JUST UNDER 10 ACRES. SOME LAND WAS TAKEN FOR FLAVELLE Rd. AND ALSO FOR WIDENING CORNER OF SMITH Rd IN 1996.

Local Government Report
under the Agricultural Land Reserve
Use, Subdivision and Procedure Regulation

R.D./Mun. File No. AE07007

Fee Receipt No. 14402

Fee Amount \$600

ALR Base Map No. 92F.036.2.2

ALR Constituent Map No. 13 of 26

Air Photo No. N/A

Information supplied by:

Alberni-Clayoquot Regional District

Local Government

In respect of the application of:

Nathan Sogge

Name of Applicant

PLANS and BYLAWS (*Attach relevant sections of bylaws*)

Community Plan or Rural Land Use Bylaw name and designation: Beaver Creek Official Community Plan designates the subject property as "Rural Residential" - minimum parcel size 5 acres (2 ha).

Zoning Bylaw name and designation: Alberni-Clayoquot Regional District Bylaw No. 15 designates the subject property as Rural (A2) District

Minimum Lot Size: 5 acres, minimum lot width 330 feet (100.6 metres)

Uses permitted: see attached exert from Bylaw No. 15 outlining permitted uses.

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan Yes

No

Bylaw Yes

No

Is authorization under Sec. 25 (3) or 30 (4) of the Agricultural Land Commission Act required?

Yes (*If yes, please attach resolution or documentation*)

No

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PROV. AGRICULTURAL
LAND COMMISSION
NOV 5 2007

COMMENTS AND RECOMMENDATIONS (*Include copies of resolutions*)

Board or Council: Regional Board passed a resolution on October 24, 2007 to forward this application onto the Land Commission. Copy of resolution attached.

Advisory Planning Commission: The Advisory Planning Committee met on October 2, 2007 and forwarded a recommendation to the Board that this application be forwarded to the Land Commission.

Agriculture Advisory Committee: The Agricultural Advisory Committee met on October 24, 2007 and forwarded a recommendation to the Board that this application be forwarded to the Land Commission.

Planning staff: see attached copy of the planning staff report dated August 31, 2007.

Others: see attached completed ALR application form and appurtenant correspondence from the applicant



Signature of Responsible Local Government Officer



Date

14402

Minutes of The Agricultural Advisory Committee meeting held on Wednesday, October 24, 2007, at the Alberni Clayoquot Regional District Office at 2:00 P.M.

Present: Chairperson - Bill Thomson
Staff - M. Cyr
Members of the Ag Committee -9
Applicant - 2

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The meeting was called to order at 2:07 p.m.

1) AB07006 (Martin) 8407 Paetz Road

Mr. Martin the applicant outlined a short history and his proposed subdivision plans. He explained that he had changed his plans and only wishes to create one five acre parcel for his daughter and leave the remainder.

Committee questioned the reason for dropping the 2 ½ acre parcel from his proposal. Mr. Martin explained that after investigating agricultural possibilities for small acreage lots in other areas he felt with availability of water and climate he wishes to investigate further agricultural potential on his property. There were no further questions.

Moved by Jennifer Dyson to forwarded the application to ALC. Motioned was seconded by Ann Collins. Ag Committee supported the decision unanimously.

2) AE07007 (Sogge) 6199 Smith Road

Applicant was not present, therefore Planning staff outlined the proposal. There was a short general discussion about the property i.e. the clearing and seeding of portions of the property with reference to other ALR applications in the immediate area. There were no further questions.

Moved by Terry Shannon to forward the application to the ALC. Motioned was seconded by Ron Emblem. Ag Committee supported the decision unanimously.

3) AF07006 (Lindsey/Price) 6715 Cherry Creek Road

Mrs. Lindsey the applicant outlined the history of the property and their proposal to subdivide one 5 acre parcel of the 25 acre +/- parent parcel. Ag Committee had no questions.

Moved by Jennifer Dyson to forward application to the ALC. Motioned was seconded by Vicki Lee. Ag Committee supported the decision unanimously.

4) The Ag Committee had a general discussion regarding large parcels of privately held lands being offered up for sale within the Regional District. The specific area was at the north end of Beaver Creek Road in an area referred to as "Camp 1". Upon completion of prior discussion no further items were brought forward.

5) Meeting was terminated at 2:35 Pm.


Minutes taken by Marcel Cyr



October 30, 2007

The following are certified true copies of resolutions passed by the Alberni-Clayoquot Regional District Board of Directors at their regular meeting held on Wednesday, October 24, 2007:

ALR Application No. AB07006 - Martin, 8407 Paetz Road, Electoral Area "B" (Beaufort).

Moved by M. Kokura, seconded by P. Edwards, "That the Board of Directors concur with the recommendation of Planning Staff and support ALR Application AB07006 and forward to the Land Commission subject to both lots being five acres and complying with the current zoning designation."

ALR Application AE07007 - Sogge, 6199 Smith Road, Electoral Area "E" (Beaver Creek).

Moved by P. Edwards, seconded by G. Wong, "That the Board of Directors concur with the recommendation of Planning Staff and forward ALR Application AE07007 to the Agricultural Land Commission for their adjudication."

ALR Application AF07005 - Lindsey/Price - 6715 Cherry Creek Road, Electoral Area "F" (Cherry Creek).

Moved by G. Wong, seconded by P. Edwards, "That the Board of Directors concur with the recommendation of Planning Staff and forward this application to the Land Commission for their review."


Certified True Copy
Wendy Thompson
Deputy Corporate Secretary



Agricultural Land Reserve Application

TO: Bob Harper, Administrator
and
Board of Directors, Alberni-Clayoquot Regional District

DATE: September 20, 2007

FROM: Marcel Cyr, Planner
Rezoning Application: AE07007

Owner: Nathan Sogge

Legal Description: Lot 6, District Lot 107, Alberni District, Plan 3468 except that part in Plan VIP64792

Address and Location: 6199 Smith Road, Beaver Creek area

Electoral Area: "E" Beaver Creek

Recommendation:

That the Board:

- (1) receive the Staff report;
 - (2) pass a resolution to forward the application to the Agricultural Land Commission for their adjudication.
-

Applicants' Intention: Applicant would like to subdivide existing just under 10 acre (2ha) parent lot creating two lots, one 5 acres (2ha) and the other 4.59 acres (1.85 ha). The purpose is to provide a building lot for a downsized retirement home to be built on the northern part of the lot. The proposal is to subdivide under Local Government Act Section 946 "Subdivision to Provide Residence for a Relative".

Observations:

1) **Status of Property:** Subject property has been entirely cleared. The South half has had all trees and stumps removed and has existing large single family dwelling on the east half of this portion and accessory garage/shop and a lean-to structure on the west half of this portion. The north has had the trees removed, however, some stumps and logging debris still remain on site. The north half slopes to the south west to a low area that dissects the property east to west at the approximate mid-point of the parent lot. This low area appears

AE07007

to be a seasonal surface drainage course that appears to flow to the west if/when water is present. The property then rises to a higher elevation then again slopes downward to the southwest to Smith Road. The latter mentioned high spot provides a break in the drainage of this property. Surrounding land uses are, farm to the north, vacant land to the east, residential to the south and west.

ii) Services

Sewage Disposal: Existing septic field

Water Supply: Beaver Creek Improvement District

Fire Protection: Beaver Creek Volunteer Fire Department

Access: Currently Smith Road. Un-constructed Flavelle Road allowance is located on the east boundary of the subject lot and will require construction to Ministry of Transportation standards should this proposal proceed to subdivision. This could also provide future alternate access to the proposed lot fronting on Smith Road

iii) Existing Planning Policies Affecting the Site

Agricultural Land Reserve: Subject property is within the Agricultural Land Reserve. Applications for subdivision, exclusion and non-farm use of property within the Agricultural Reserve Lands are made to the Agricultural Land (ALC) Commission through the local government, in this case the Regional District. The Agricultural Land Act requires local government to review the applications and provide recommendations. If the application is not supported by the local government, the application is not furthered. If the proposal is supported by the local government the application is forwarded to the Land commission for their review and decision. If the Land Commission approves an application any rezoning or subdivision must comply to all applicable requirements of the Agricultural Land Commission Act, Land Titles Act, Local government Act and Regional District zoning regulations.

Official Community Plan: The Beaver Creek Official Community (OCP) Plan designates the subject property as "Agricultural". The OCP recognizes that smaller agricultural properties exist in the planning area. While these may be used as hobby farms, many have a potential for commercial agriculture. The plan recognizes that such uses area a legitimate use within the Agricultural Land Reserve and are a integral part of the rural-agricultural character of the community

Zoning: The property is zoned Rural (A2) District. This zone has a minimum lot size of 5 acres (2 ha) with a minimum lot width of 165 feet (50.2 metres). As the subject lot is below 10 acres (4.04 ha) a proposal to split the property in half would not meet current zone requirement regarding minimum lot size of 5 acres. Applicant has indicated that he proposes to subdivide under **Section 946 of the Local Government Act**. This Section permits a person being the owner of a piece of property for at least five years to make a subdivision application to create a lot for himself or a direct relative. The lot does not have to comply to minimum lot size requirement of the zoning bylaw but must not be a subdivision that an approving officer would be prevented from approving in any of the following circumstances;

a) the parcel proposed to be subdivided is classified as farm land for assessment and taxation purposes, and

b) after creation of the parcel subdivided for the purpose of providing a residence as stated above, the remainder of the parcel proposed to be subdivided would be less than 5 acres (2 ha).

Although the proposed lots do not meet zoning lot size requirements, this proposal could proceed provided it met all the subdivision requirements under Section 946 "Subdivision to Provide Residence for a Relative", and provided the proposed lot size met all technical subdivision requirements.

Highways Approval 800 metres of intersection on controlled access Highway: The Controlled Access Highway in Port Alberni is Highway Rte #4. This includes the Parksville/Port Alberni Hwy, Johnston Road through the city and the Pacific Rim Hwy out to the Junction of the Tofino/Ucluelet Hwy. The subject lot is well beyond 800 metres from this route. Therefore, Ministry of Transportation approval is not required.

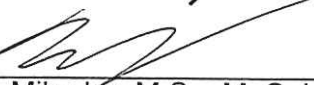
iv) **Comments:**

- 1) Reviewing the Ministry of Environment Land Capability for Agriculture maps, the subject property is considered under unimproved conditions as consisting of 70% Class 3 mineral soil with undesirable soil structure and/or low perviousness (D) and soil moisture deficiency (A) limitations and 30% Class 3 organic soil with topography (T) and soil moisture deficiency (A) limitations. With improvements there is little change in the capability for agriculture. Soil moisture deficiency means the soil is adversely affected by droughtiness caused by low soil water holding capacity. Undesirable soil structure means soils are difficult to till, require special management for seedbed preparation, pose trafficability problems, has insufficient aeration, absorb and distribute water slowly, and/or have rooting zone depth restricted by conditions other than high water table and bedrock.
- 2) The property immediately adjacent the eastern property boundary was subject of an Agricultural Land Commission application. The owners applied to subdivide an approximate 31 acre (12.6 ha) parcel into 5 approximate 6 acre (2.5 ha) lots. Approval was granted by the ALC March 28, 2006.

Submitted by:


Marcel Cyr, Planner

Reviewed by:


Mike Irg, M.S., M. C. I. P.
Manager of Planning and Development

AE07007