



# Provincial Agricultural Land Commission - Staff Report

## Application: 51970

**Applicant:** A.J. Watty  
**Agent:** Fred Emery  
**Local Government:** Powell River Regional District

**Proposal:** SUBDIVISION - Multiple property owner's wish to divide their ALR property into 3 parcels of 4.8 ha in each plus a common road access. The applicants claim that District Lot 3909 was included in the ALR by the current owners after the ALR was created. The Commission has no record of this and it is assumed that the property was included as part of the initial uptake of land into the ALR.

### BACKGROUND INFORMATION

The property has been held as tenants-in-common with 6 owners since 1972. There are three couples (the 6 owners) who each have a house on the land. The owners has legal advise that the current ownership arrangement lack third party liability protection, and that strata s/d would allow more control over the designated portions of the property and would provide a greater incentive and security for owners to put work into agricultural projects.

### PROPERTY INFORMATION

**PID:** 002-441-471  
**Legal Description:** District Lot 3909 Group 1 New Westminster District  
**Property Area:** 16.1 ha  
**ALR Area:** 16.1 ha  
**Purchase Date:** April 30, 2004  
**Location:** Just east of Malaspina Road and north of Cannery Road  
**Owners:** A.J. Watty, Juliet Potter, Margaret Leitner, Ralph Uhlmann, Ronnie Uhlmann, Stephen Ervington

### LAND USE

**Current Land Use:**

Three dwellings, one rental cottage. Mostly forested with some clearing around the dwellings. Limited evidence of agricultural development.

**Surrounding Land Uses:**

North: Crown Land - out of ALR  
 East: Crown Land (Treaty Settlement Land) - Out of ALR  
 South: Crown Land (Treaty Settlement Land) - in ALR  
 West: Crown Land and Malaspina Road - Out of ALR

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 16.1 ha

Number of Lots	ALR Area of Lot (ha)
3	4.8

**Agricultural Capability:**

The majority of the area under application is rated as: Secondary

**Source:** CLI

**Mapsheet:** 92F/15

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

Bylaw Name: N/A

**Zoning:**

Zoning Bylaw Name: N/A

**Comments and Recommendations:**

**Agricultural Advisory Committee**

Supports strata subdivision as proposed

**Board/Council**

Supported - reasons as stated in the resolution dated September 23, 2010

## ALC STAFF COMMENTS

Staff suggests an onsite inspection by the Commission or MAL agrologist to confirm if the property Ag Cap rating is accurate. If the land is poor, that is all the more reason to keep it as large as possible. Conversely, if the land has poor capability, why should it be retained in the ALR at all?

If the applicants initiated the inclusion with the existing multiple ownership arrangement, they must have been aware of the future land use potential of a property in the ALR.

## END OF REPORT

Prepared by: Gordon Bednard