

DATE: July 25, 2017

FILE: 3110-20/ALR 2C 17

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

RE: Subdivision within the Agricultural Land Reserve (Janzen)
2057 Kelland Road
Puntledge – Black Creek (Electoral Area C)
Lot 2, Block 29, District Lot 232, Comox District, Plan 30236, PID 001-175-076

Purpose

To forward an application for subdivision (Appendix A) to the Agricultural Land Commission (ALC) and recommend support.

Policy Analysis

Sections 21 and 25 of the *Agricultural Land Commission Act* (ALCA) requires an owner of property within the Agricultural Land Reserve (ALR) to apply to the ALC to subdivide the property. Section 25(3) states the application may not proceed to the ALC unless authorized by a resolution of the local government. Section 34 states that the local government may include comments and recommendations regarding the application should it forward the application to the ALC.

Executive Summary

- The proposal is to subdivide a portion of the subject property to sell it to a nursery company, located across the road, so that it may develop a biosecurity facility for intake of foreign plant material;
- Consistent with the Official Community Plan (OCP) the applicant has demonstrated how the proposal will benefit agriculture;
- The proposed subdivision would create a 12.0 hectare lot, with a 35.0 ha remainder, which is consistent with the zoning bylaw minimum lot area for new subdivisions;
- The Agricultural Advisory Planning Commission (AAPC) supports the proposal;
- Staff recommends forwarding the application to the ALC on the basis that it is consistent with the OCP and zoning bylaws.

Recommendation from the Chief Administrative Officer:

THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports agricultural land reserve application ALR 2C 17 (Janzen), as proposed, regarding subdividing a parcel from lands known as Lot 2, Block 29, District Lot 232, Comox District, Plan 30236, PID 001-175-076 (2057 Kelland Road) for the purpose of expanding an existing agricultural business;

AND FINALLY THAT the application be forwarded to the Agricultural Land Commission for final consideration.

Respectfully:

R. Dyson

Russell Dyson
Chief Administrative Officer

Background/Current Situation

The subject property is a 47 hectare parcel located between Kelland Road and Endall Road in the Black Creek area (Figures 1 & 2). The property is predominantly forested but developed with a single detached dwelling approximately 250 metres into the property off Kelland Road.

The Sylvan Vale Nursery, which specializes in providing seedlings for reforestation and growing trees for other businesses on a contract basis, is located across Kelland Road from the subject property. This business proposes to acquire land from the applicants for the purposes of developing a bio-security facility to accept foreign plant material. It is advantageous for the nursery that the site be physically separated from the main operations to act as a quarantine area before the stock is integrated into the nursery.

The proposed lot (Figure 3) has approximately 315 metres of frontage along Kelland Road, from the southwest corner of the subject property (adjacent to the crown land surrounding Sayer Creek) to a power pole in front of 2090 Kelland Road. The proposed lot is intended to be as deep as necessary to make up a 12 ha area from this road frontage.

Planning Analysis

Official Community Plan

The subject property is located within the Agricultural Areas designation of the OCP, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”. The objectives of this designation are “*To preserve large parcels from further subdivision*” and “*To promote agriculture and aquaculture as an important economic sector of the Comox Valley*”. To further these objectives, policy 58(1) discourages subdivision of land in the ALR for residential use and policy 58(12) directs that “*an applicant proposing to subdivide land in the agricultural area to demonstrate how the proposal will benefit the agriculture and aquaculture industries*”. According to the applicant, the subdivision is not for residential purposes but to expand the nursery business on a secure site. As such, the proposal is consistent with the OCP.

Zoning

The subject property is zoned Rural-ALR in the Zoning Bylaw. The subdivision requirements in this zone requires a minimum lot area of 8.0 hectares and a minimum lot frontage of 10 per cent of the lot’s perimeter. The proposed 12.0 ha lot is consistent with the zone’s required minimum lot area.

Options

The Comox Valley Regional District (CVRD) board (the board) may forward the application to the ALC and provide comments and recommendations or the board may refuse to forward the application.

Staff recommends the application be forwarded to the ALC on the basis that it is consistent with the OCP and zoning bylaws.

Financial Factors

Fees of \$1500 (\$300 for the CVRD and \$1200 for the ALC) have been collected for this subdivision application in accordance with section 35 of the ALCA. Should the board refuse to forward the application to the ALC, the \$1200 ALC portion of the fee is returned to the applicant.

Legal Factors

This report and the recommendations contained herein are in compliance with the ALCA, regulations and CVRD bylaws.

Regional Growth Strategy Implications

The CVRD Regional Growth Strategy (RGS), Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within Agricultural Areas. The proposed two-lot subdivision enables a nursery to use the smaller lot as a quarantine area for foreign vegetation. Based on this intent, the subdivision application meets policies within Goal 3: Local Economic Development and Goal 6: Food Systems of the RGS. This application is driven by an existing agricultural business, which needs additional land for their operations. Therefore, the proposed subdivision facilitates the retention of a local agricultural business (Objective 3-A). Once subdivided, the nursery will grow and store vegetation on a portion of unused farmland, and it therefore increases the amount of actively farmed agricultural lands (Supporting Policy 3C- 1). Finally, the resultant expansion of the nursery operation supports the value chain of agriculture (Supporting Policy 6D-2).

Intergovernmental Factors

A referral was issued on July 11, 2017, to the Ministry of Agriculture for comment on this application. As of the writing of this report, response has not been received. Should a response be received prior to the date of the Electoral Areas Services Committee meeting, it will be added to the agenda.

Interdepartmental Involvement

This ALR application has been circulated to internal departments for comments. Other departments had no concerns with the application.

Citizen/Public Relations

A referral was forwarded to the AAPC for review and comment. The AAPC met to discuss the proposal at the site on July 19, 2017, with the owner of the subject property, representatives of the nursery business, and CVRD staff present. The consensus recommended by the AAPC is that the application be supported.

Prepared by:

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Concurrence:

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Concurrence:

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Attachments: Appendix A – “ALC application submission - File ALR 2C 17”

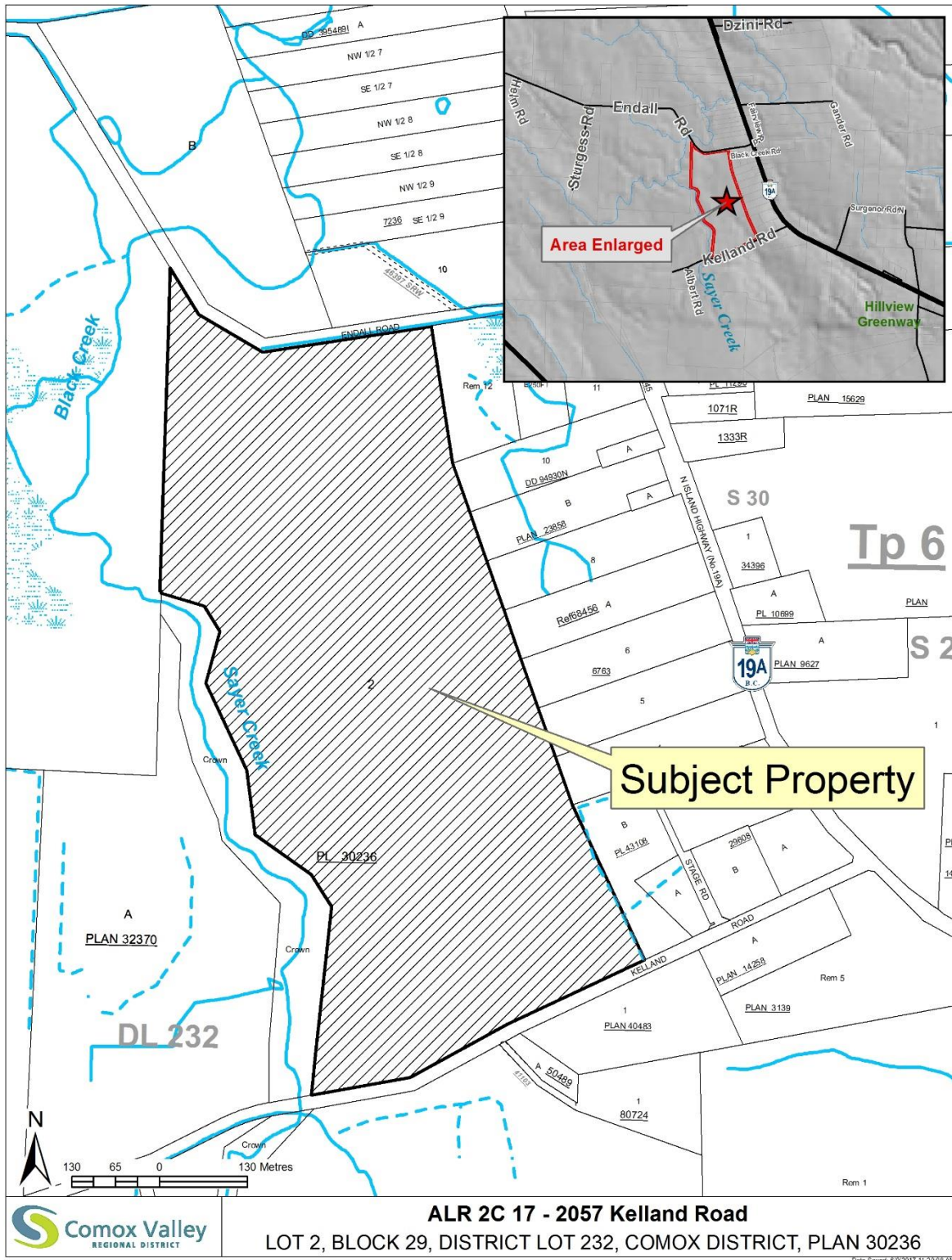


Figure 1: Subject Property

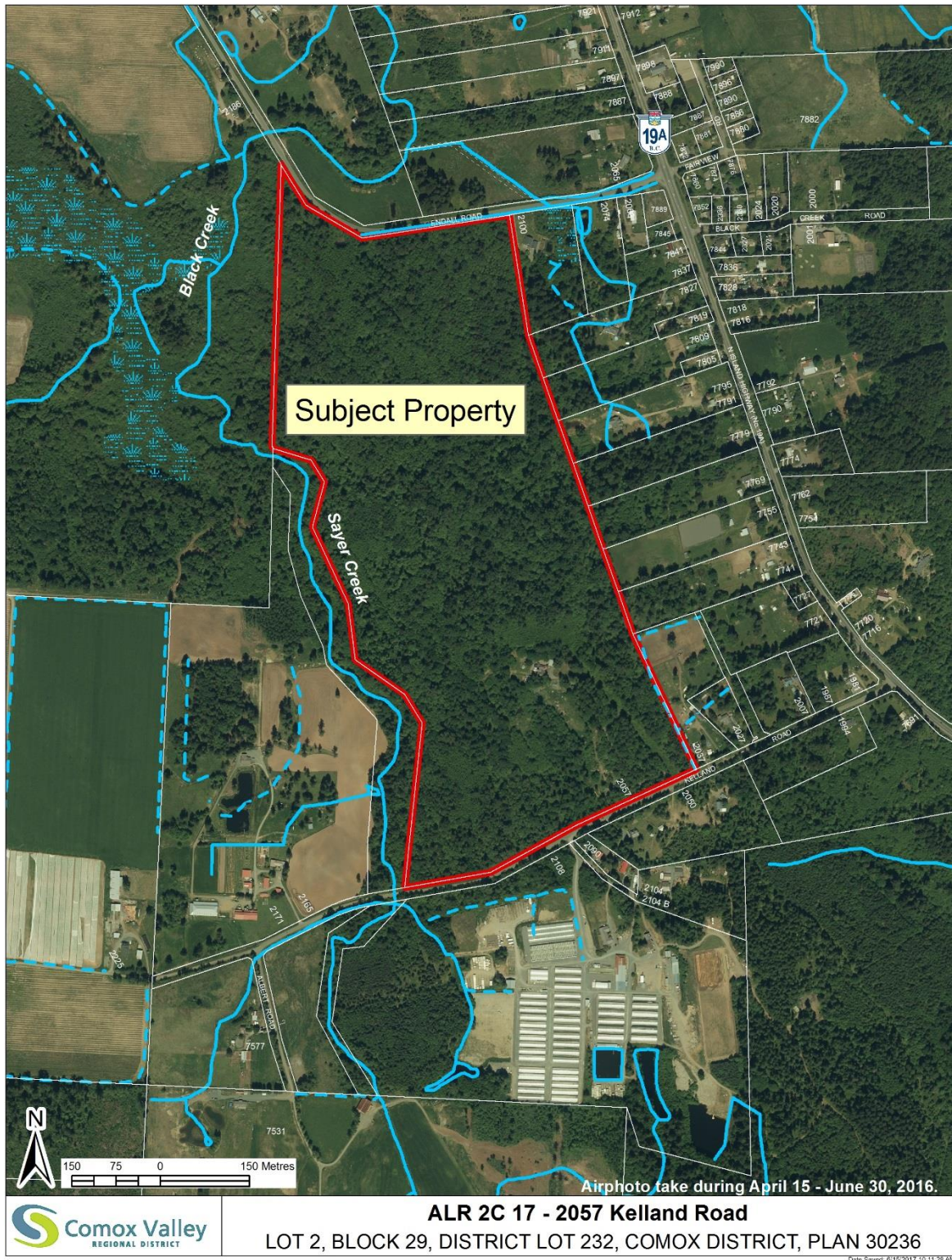


Figure 2: Air Photo of Subject Property (2016)

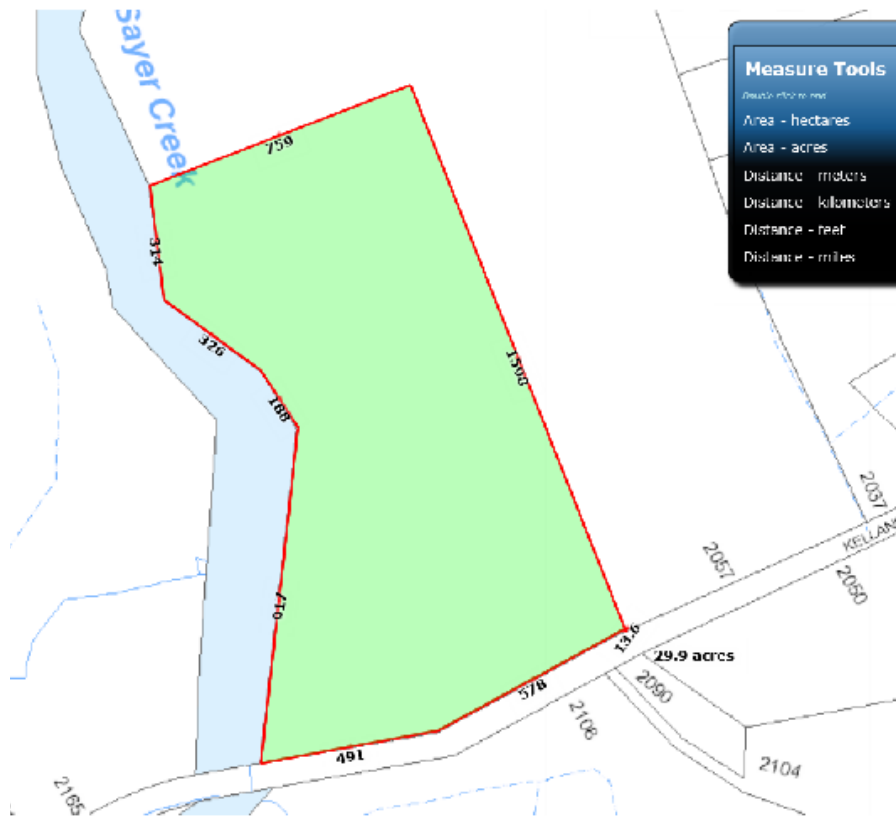


Figure 3: Proposed Subdivision, as Submitted by the Applicant

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56527

Application Status: Under LG Review

Applicant: Sharon Janzen , Glen Janzen

Agent: Sylvan Vale Nursery Ltd.

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 06/09/2017

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: We are applying to subdivide the said parcel to establish a satellite nursery close to Sylvan Vale Nursery that is completely self-contained physically from Sylvan Vale Nursery. The purpose is to create a growing and storage area that has a physical barrier to facilitate the intake of foreign plant material and plant material that may have a disease or insect infestation. We need be able to quarantine plant material to strengthen our Bio Security Measures. In the past few years, due to climate change, there has been a significant increase in disease and insect damage to our crops. We have determined that because of the increase in diseases and insect damage, it is now of paramount importance that we develop a strategy to contain and isolate any potential threat to our crops . A physically separate, yet easily accessible facility would be the ideal way to do this. This parcel is in the ideal location for a satellite nursery as there is a physical barrier between the parcel & Sylvan Vale Nursery. The parcel is directly across the road, thus enabling staff and equipment to easily access. produce and monitor plant material.

Agent Information

Agent: Sylvan Vale Nursery Ltd.

Mailing Address:

2104B Kelland Road

Black Creek, BC

V9J 1G4

Canada

Primary Phone:

Mobile Phone:

Email:

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 001-175-076

Legal Description: L 2 BK 29 DL 232 COMOX PL 30236

Parcel Area: 47.4 ha

Civic Address: 2057 Kelland Road

Date of Purchase: 01/02/1998

Farm Classification: Yes

Owners

1. **Name:** Sharon Janzen

Applicant: Sharon Janzen , Glen Janzen

Address:

2057 Kelland Road
Black Creek, BC
V9J 1G4
Canada

Phone:

2. **Name:** Glen Janzen

Address:

2057 Kelland Road
Black Creek, BC
V9J 1G4
Canada

Phone:

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

There is no agriculture activity on this parcel at present and nor has there been any agriculture activity on this parcel for over 20 years.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

There has been no agricultural improvements made to this parcel for over 20 years.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

There are no non- agricultural uses taking place on this parcel. It is only purpose is residential.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Wine Production

East

Land Use Type: Agricultural/Farm

Specify Activity: Beef Production

South

Land Use Type: Agricultural/Farm

Specify Activity: Nursery Production

West

Land Use Type: Agricultural/Farm

Specify Activity: Meat Bird Production

Proposal

1. Enter the total number of lots proposed for your property.

Applicant: Sharon Janzen , Glen Janzen

12 ha
35.4 ha

2. What is the purpose of the proposal?

We are applying to subdivide the said parcel to establish a satellite nursery close to Sylvan Vale Nursery that is completely self-contained physically from Sylvan Vale Nursery. The purpose is to create a growing and storage area that has a physical barrier to facilitate the intake of foreign plant material and plant material that may have a disease or insect infestation. We need be able to quarantine plant material to strengthen our Bio Security Measures. In the past few years, due to climate change, there has been a significant increase in disease and insect damage to our crops. We have determined that because of the increase in diseases and insect damage, it is now of paramount importance that we develop a strategy to contain and isolate any potential threat to our crops . A physically separate, yet easily accessible facility would be the ideal way to do this. This parcel is in the ideal location for a satellite nursery as there is a physical barrier between the parcel & Sylvan Vale Nursery. The parcel is directly across the road, thus enabling staff and equipment to easily access. produce and monitor plant material.

3. Why do you believe this parcel is suitable for subdivision?

We would return the land to an agricultural activity, in keeping with the ALR guidelines , which has not been the case for many years. It has all the utilities necessary, for example: gas, power, water accessibility, road access, already available. This is the only available parcel which is optimally located to facilitate our Bio Security Measures and ensure the health of the plant material provided to our clients.

4. Does the proposal support agriculture in the short or long term? Please explain.

This proposal supports agriculture in the long and short term . Sylvan Vale Nursery has been established since 1980 and is thriving business that is on our third generation of farmers. This proposal will greatly enhance our ability to grow and thrive for future generations and provide continued employment to the community of Black Creek. We currently employ 15 full time employees and a seasonal work force of 35 people. Due to extensive losses caused by disease during the past several years, we now need to have a facility where we can isolate foreign intake stock and diseased plants. By doing this we will be better able to protect our crops, our agricultural viability and growth, and jobs for our local economy. We would immediately be returning an unused piece of property to an agricultural use as a working farm.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Sylvan Vale Nursery Ltd.
- Proposal Sketch - 56527
- Certificate of Title - 001-175-076

ALC Attachments

None.

Decisions

None.

