



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: A-38227

September 24, 2008

Edith and Lothar Haack
A9777 Somers Road
Port Alberni, BC V9Y8N9

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 551/2008 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans and a copy of the draft covenant 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 Alberni-Clayoquot (AB08001)

Enclosure: Minutes/Sketch Plan

TK/
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 10, 2008 at the offices the District of Saanich, located at 770 Vernon Ave, Victoria, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # A- 38227
 Applicant: Edith and Lothar Haack
 Proposal: Subdivision For a Relative: To subdivide a 2.0 ha lot around the existing residence from the 12.3 ha parent property for the applicants' daughter.
 Legal: PID: 005-897-815
 Lot C, District Lot 195, Alberni District, Plan 6204, EXCEPT That part in Plan 19852
 Location: 9690 Somers Road, Port Alberni

Site Inspection

A site inspection was conducted on September 10, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Lothar Haack Applicant
- Edith Haack Applicant

The Commission met with the applicants and walked the property. It was noted that the majority of the property had been put into agricultural production, except for the area of the existing house, and a rocky knoll in the northwest corner of the property. The proposed 2.0 ha lot would be for the applicants' daughter, who was no longer involved with the farm operation. The Commission also noted that the applicants' lived and farmed the adjacent property across Somers Road.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is improvable to Class 3 with limitations of stoniness and excess water and Class 5 with limitations of soil moisture deficiency, stoniness and topography.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Although the Commission recognized that the soil capability of the subject property had some limitations, it was evident at the site visit that the property is a working farm and that the applicant had made considerable investments to enhance the agricultural use of the property. The Commission noted however, that the area of the existing house, and a small area in the northwest corner were rocky knolls and had minimal agricultural capability.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. There was some concern that subdivision would result in a new dwelling on the remainder property, which would have the potential of removing prime agricultural land from cultivation. The Commission considered that the negative impacts of the proposed subdivision would be minimized if any new buildings on the remainder were restricted to the northwest corner of the property, which had minimal agricultural capability.

The Commission was prepared to allow the subdivision provided that a no-build covenant be registered on the title of the remainder property with the exception of a 0.5 ha area on the northwest corner of the property and that the covenant be referred to the Commission for final approval.

With a no-build covenant in place, the Commission did not believe that the proposal would negatively impact the existing or potential agricultural use of the subject property or the surrounding lands.

Conclusions

1. That the majority of the land under application has agricultural capability.
2. That the proposal will not negatively impact agriculture, subject to the conditions mentioned above.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

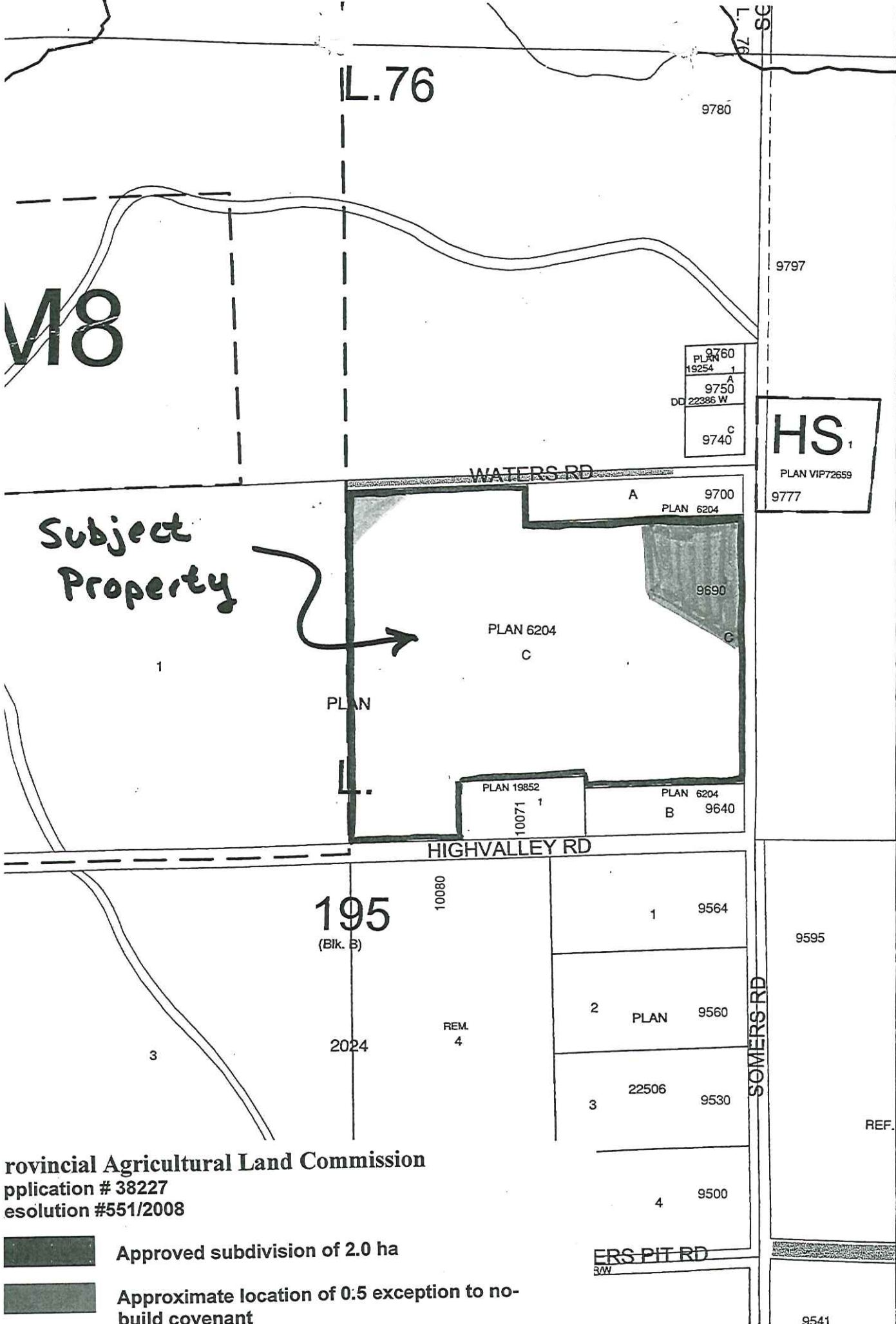
THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the registration of a covenant for the purpose of restricting buildings to a 0.5 ha portion in the northeast corner of the remainder property.
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 551/2008



Provincial Agricultural Land Commission
 Application # 38227
 Resolution #551/2008

- Approved subdivision of 2.0 ha
- Approximate location of 0.5 exception to no-build covenant

