



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: A-38228

September 25, 2008

Ray and Kelly Weber
7061 Thompson Road
Port Alberni, BC V9Y8M3

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 550/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan. An application for inclusion is enclosed for your convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

cc: Regional District of Alberni-Clayoquot (AE08002)

Enclosure: Minutes /Inclusion Application

TK/
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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- 38228
 Applicant: Ilona Garcia
 Agent: Ray and Kelly Weber
 Proposal: To subdivide a lot of 5.25 ha from the parent 14.71 ha property. Approximately 1.7 ha of the proposed lot is within the ALR.
 Legal: PID: 001-044-991
 Lot 1, District Lot 165, Alberni District, Plan 37269
 Location: 7300 Kerry 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
- Ilona Garcia Applicant
- Ray and Kelly Weber Agents

The Commission met the proponents of the application and walked through the property via the proposed access to the new lot, along the southern boundary. The Commission noted that the southern portion of the property was forested and had topographical challenges. The applicants noted that the large proposed lot size was due to the setbacks of the creek bed and challenges of access. It was noted that part of the property was within the ALR and part of it was not, due to a steep creek bed on the western boundary of the property.

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 ALR portion of the subject property is rated as improvable to Class 2, with limitations of undesirable soil structure and topography, and Class 5 (unimprovable) with a limitation of topography. The non-ALR portion of the property is identified as having similar soil capability, as well as some area that is rated as Class 7 due to the topography of the creek bed on the western boundary of the property.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

It was noted that the area in the ALR and outside of the ALR has similar ratings and that a portion of the property outside of the ALR was identified as improvable to Class 2.

Assessment of Agricultural Suitability

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission considered that the proposed new lot size of 5.0 ha was larger than the minimum lot size. However, the applicants' concerns of viable access and limitations due to topography and creek setbacks were recognized and did not believe that the proposed subdivision would impact the agricultural suitability of the property.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The majority of the area affected by the proposed subdivision had limited agricultural capability or was out of the ALR. However, the Commission had concerns that a portion of the area identified as Class 2 would be divided. The Commission discussed its concerns with the applicant at the site visit, and it was noted that efforts would be made to minimize any impact on this portion of the property with the final survey plans.

Further, the Commission considered that the portion of the property outside of the ALR had similar agricultural capability as the portion already within the ALR. As such, it believed that the inclusion of the non-ALR portion of the property would balance any potential negative impact of the proposed subdivision.

IT WAS

MOVED BY: Commissioner Seitz

SECONDED BY: Commissioner Craven

THAT the application be approved in principle;

AND THAT the approval is subject to the following conditions:

- THAT an application be submitted to include the non-ALR portion of the property into the ALR.
- THAT a revised subdivision plan be submitted for the Commission's review once the lot has been surveyed, which minimizes the impact on the agricultural capability of the property.
- THAT 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 # 550/2008