



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 15, 2008

Reply to the attention of Terra Kaethler
ALC File: S-38455

Jim McManus
9535 Faber Road
Port Alberni, BC V9Y9C5

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 802/2008 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.

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

Enclosure: Minutes

cc: Regional District of Nanaimo (6635-04-0803)

TK/
i/38455d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 06, 2008 in Courtenay, B.C.

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

For Consideration

Application: # S- 38455
 Applicant: Greig McLeod
 Agent: Jim McManus
 Proposal: To subdivide the 11.0 ha subject property into three (3) lots of approximately 3-4 ha each. Alternatively, the applicant has proposed to subdivide along Hill Road, creating a 3.0 ha property and an 8 ha remainder.
 Legal: PID: 010-505-041
 Section 2, Range 3, Cedar District, EXCEPT Parts in Plans 12339, 17820, 20509, 23448, 24874, 24933 and 25508
 Location: 3038 Hill Road, Cedar, Ladysmith

Site Inspection

A site inspection was conducted on November 6, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Jim McManus Agent

The Commission met with the agent at the property and discussed the proposal. It was noted that while the property was divided by Hill Road, it was relatively flat and mostly cleared, and appeared to have good potential for agricultural production. The property was currently utilized for residential use and pasture.

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 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 identified as improvable to Class 2. Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The Commission considered that the property had prime capability for agriculture and that in its present size it could support a wide range of crops.

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 subject property is an active farm property and is in an agricultural area. Although the property is divided by Hill Road, the Commission did not believe that this presented a substantial barrier to the agricultural use of the property as a whole. As such, the Commission did not believe there were external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Craven

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 802/2008