



Agricultural Land Commission
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May 16, 2011

Reply to the attention of Gordon Bednard
ALC File: #52102

Benjamin and Rhonda Weber
10315 Swinburne Road, Box 139
Honeymoon Bay, BC V0R 1Y0

Dear Sir and Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 180/2011 outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Cowichan Valley Regional District Attn: Carla Schuk (file 1-F-10ALR)

GB/eg
/52102d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 7, 2011 at Parksville, BC.

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Denise Dowswell Commissioner
Gordon Bednard Staff

For Consideration

Application: #52102
Applicant: Benjamin and Rhonda Weber
Agent: n/a
Proposal: Subdivision of 0.8 ha lot into two lots of 0.4 ha each
Legal: Lot 18, Block H, Section 15, Renfrew District Plan 1501
Location: Swinburne Avenue, Gordon Bay, Lake Cowichan

Site Inspection

No site inspection was made regarding this application.

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 Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or 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

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

Subclasses

X cumulative and minor adverse

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission notes that the property is located in an area of 0.8 ha lots, used mostly for residential or recreational purposes at this time. Little or no agricultural development is in evidence in this area, however, small lot market gardens may have potential given the excellent soils indicated on the capability mapping.

Assessment of Other Factors

The Commission considered that rather than deal with this application and subsequent applications in this area on an ad hoc basis, the Commission would prefer to work with the local government on a planning review of the area to assess its agricultural future. At this point, the Commission considers that subdivision of the subject property would effectively preclude any agricultural land use in the future, and the Commission is reluctant to make such a decision without the background information that a planning review of the area would provide.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.

IT WAS

MOVED BY: Commissioner Jennifer Dyson

SECONDED BY: Commissioner Denise Dowswell

THAT the application be refused for the above reasons.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution # 180/2011