



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

May 12, 2011

Reply to the attention of Gordon Bednard
ALC File: #52103

Bert Gisborne
13570 Cedar Street
Ladysmith, BC V9G 1H5

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 131/2011 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Cowichan Valley Regional District Attn: Carla Schuk file # 2-H-10ALR

GB/eg
/52103d1



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: #52103
Applicant: Bert Gisborne
Agent: n/a
Proposal: Subdivide a 0.7 ha lot surrounding the community hall from the 4.2 ha parent parcel.
Legal: Lot A, DL 39, Oyster District Plan 29596
Location: Cedar Road, CVRD

Site Inspection

A site inspection was conducted on March 7, 2011. Those in attendance were:

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

The Commission viewed the property and recalled an earlier approval (ID #3855 Legacy # 30009) which approved a lease for the historical society to locate the community hall (a heritage building) on the Gisborne property. The building has been renovated and is fully operational now, and the landowner would like to donate the land in fee-simple to the society.

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

A soil moisture deficiency P stoniness

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that the present proposal to create separate title for the community hall creates a minimal impact on agricultural use in the area. The site is located in an area of the Gisborne property which has never been developed for agriculture, and the Commission recognizes, in considering the circumstances surrounding this proposal, that there is a demonstrated community need for the building to be located on this property, near the school.

Conclusions

1. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Jennifer Dyson

SECONDED BY: Commissioner Denise Dowswell

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the planting or retention of vegetation for buffering on all sides of the new lot (except the north side) for the purpose of limiting the potential for trespass by users of the community facility onto the adjacent farm property
- the registration of a covenant to ensure that the vegetative buffer be constructed and maintained within 10 m of the East, West and South boundaries of the new lot
- the subdivision must be completed within three (3) years from the date of this decision.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 131/2011

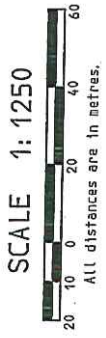
Application # 52103

Subject property

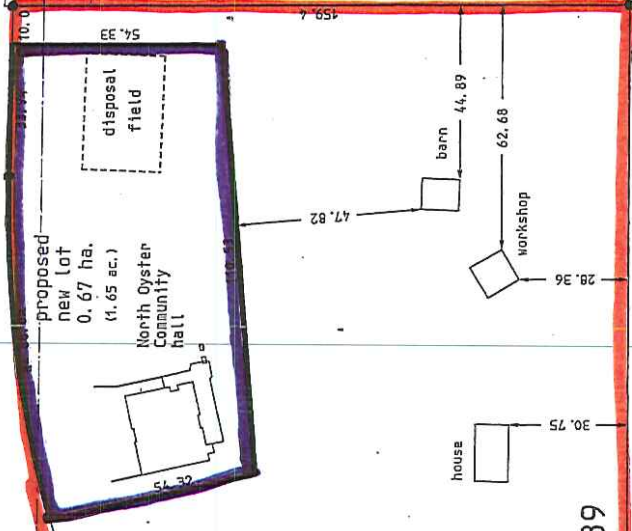
Area approved for subdivision (± 0.7 ha)



*Plan of proposed subdivision of part of
Lot A, District Lot 39, Oyster District,
Plan 29596.*



Cedar Road



proposed
new lot
0.67 ha.
(1.65 ac.)

North Oyster
Community
hall

disposal
field

barn

workshop

house

Rem. Lot A
Plan 29596

D. L. 39

D. L. 37

H. R. Hutchinson
Land Surveying Ltd.
Box 459, 20 Warren St.,
Ladysmith, B.C.
V9G 1A9
(250) 245-9777 File 0-39-1 revised Nov. 30, 2010.