



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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4th October 2012

Reply to the attention of Roger Cheetham
ALC File: #52535

Comox Valley Regional District
Community Services Branch
600 Comox Road
Courtenay, BC
V9N 3P6

Dear Sir/Madam:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #310/2012 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:

Brian Underhill, Executive Director

Enclosure: Minutes of Meeting

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PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Gordon Bednard	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52535

PROPOSAL: To construct a trail that is 725 meters in length and which will affect approximately 1.0 ha of land within the ALR
(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owners:	Kathryn Mc.Mullen and Susan Holvenstot.
Agent:	Comox Valley Regional District
Date of Acquisition:	August 29, 2002
Parcel ID:	003-695-069
Title No.	ET99027
Legal Description:	The Fractional North West ¼ of Section 27, Township 9, Comox District, Plan 552G, Except that Part in Plan 6780
Civic Address:	Brazier Road in the Dove Creek area
Size:	24.3ha
Area in ALR:	24.3 ha
Current Land Use:	The majority of the property is forested with some clearings for houses.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 92F.075 (Scale 1:20,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings of the portion of the property affected by the trail are as follows:

For the western half:

Unimproved Rating: 4WP, Improved Rating: 3DP

For the eastern half:

Unimproved Rating: 4AC, Improved Rating: 3AC

Class and Subclass Descriptions

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

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

P	stoniness
M	soil moisture deficiency
W	excess water
A	soil moisture deficiency
C	adverse climate

Agricultural Considerations

The Commission decided to table the application when it was first considered at its meeting on 20th March 2012 as it believed that its review would benefit from the comments of the Agricultural Advisory Committee (AAC), in particular with regard to mitigating options and management of the trail to reduce the potential for adverse impacts on future agricultural operations on either side of the trail. In this regard the Commission noted from the 23rd August 2012 letter from the Comox Valley Regional District (CVRD) that the AAC did not initially support the application. However following a meeting between the AAC and the staff of the CVRD the position of members of the AAC changed and they no longer had any objections to the trail.

The Commission recognized that the proposed trail would enhance the trail system that is being developed by the CVRD with community support, the main element of which, the One Spot Trail, was approved by the Commission in 2002 after extensive and careful review. The Commission nevertheless was concerned that with respect to the present application insufficient information had been provided with regard to the measures that are proposed to be taken to protect future agricultural uses of the adjoining areas.

DECISION:

IT WAS

MOVED BY: Commissioner Jennifer Dyson

SECONDED BY: Commissioner Jim Johnson

THAT the application be allowed

AND THAT the approval is subject to the following condition:

- The approval of the Commission, as advised by the Comox Valley Regional District Agricultural Advisory Committee, of a plan for the provision and maintenance of fencing and buffering of the trail to ensure that users of the trail do not cause any detrimental impacts on the present and future use of the adjoining areas within the ALR for agricultural purposes.

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 # 310/2012