



**Agricultural Land Commission**  
133-4940 Canada Way  
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December 18, 2012

ALC File: #52967

Heather-Lynne Smith  
5564 North Island Highway  
Courtenay, BC  
V9J 1S9

Dear Ms. Smith:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #435/2012 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #435/2012  
cc: Comox Valley Regional District (File: 3110-20/ALR 1B 11)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52967.

### 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
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

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### PROPOSAL

To subdivide the 9.5 ha parcel along the Island Highway to create one 3.1 ha lot and one 6.4 ha lot. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- to preserve agricultural land;
  - to encourage farming on agricultural land in collaboration with other communities of interest; and
  - 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.

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### COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

- 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 improved agricultural capability ratings applicable to the subject property are Class 2D, Class 2C, and Class 2DC.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management. Limitations: (D) undesirable soil structure and (C) climate.

Subdivision as proposed will sever a property with good agricultural capability.

**Conclusion:**

The subject property has good agricultural capability.

**Conclusion:**

The Commission believes that the parcel has greater agricultural potential as a large cohesive farm parcel.

2. The Commission considered the impact of the Island Highway bisecting the property as well as other factors relating to agricultural suitability including property size, surrounding land use and limitations to agriculture.

**Conclusion:**

The Commission does not consider the highway or any other external factor to be a significant impediment to using the property as a single agricultural unit.

3. The Commission remains concerned about the impacts of the subdivision on the property and in the surrounding agricultural community. The property is located in an area of mixed large agricultural parcels and smaller rural residential parcels. Introduction of additional small rural parcels would increase the residential use of agriculturally designated land and may lead to further pressures for subdivision.

**Conclusion:**

The introduction of a small rural residential parcel into an area of large agricultural parcels would be inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

**IT WAS**

**MOVED BY: Commissioner Bullock**

**SECONDED BY: Commissioner Pranger**

THAT the request be refused.

**CARRIED**

**Resolution #435/2012**