



February 25, 2014

**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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ALC File: #52844

Bruce Holden and Lee Andra Jacobs  
3333 North Central Road  
Denman Island, B.C. V0R 1T0

Dear Mr. Holden and Ms. Jacobs:

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

Please find attached the Minutes of Resolution #27/2014 as it relates to the above noted application.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #27/2014

cc: Aaron Aronson, 2222 North Central Road, Denman Island, B.C. V0R 1T0  
Islands Trust – Denman Island (File:DE-ALR-2011.3)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52844.

### 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
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

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### REQUEST FOR RECONSIDERATION

The Commission received a letter dated December 2, 2013 requesting reconsideration of its decision recorded as Resolution #462/2012, by which, the proposal to subdivide the 32.0 ha parcel into two equal parcels was refused.

**Owners:** Bruce Holden, Lee Andra Jacobs and Aaron Aronson

**Original Proposal:** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)  
To subdivide the 32.0 ha parcel into two (2) 16.0 ha lots.

**Original Decision:** Refused based on “*good agricultural capability and that the Commission believes the parcel has greater potential as a larger farm parcel*”.  
Resolution #462/2012 dated November 21, 2012.

**Current Request:** To reconsider the proposal to subdivide the 32.0 ha parcel into two (2) 16.0 ha lots based on the submitted letter dated December 2, 2013, a petition in support of the proposal from 45 residents within the community, as well as letters of support from two immediate neighbours and the Local Trustee for the Islands Trust.

**Legal:** PID: 009-712-151  
The North Half of the South East Quarter of Section 22, Denman Island, Nanaimo District

**Location:** 3333 North Central Road, Denman Island

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## LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

- 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.

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## DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission believes that the applicant has provided evidence that was not available at the time of the previous decision. The three letters of support and petition signed by 45 local residents indicate a high level of local support for the proposed subdivision that was not available at the time of the Commission's initial consideration of the application.

As a result, it was moved by Commissioner Dyson and seconded by Commissioner Miles that there were no persons affected by the reconsideration and that the Commission reconsider Resolution #462/2012. The motion was carried unanimously.

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## COMMISSION CONSIDERATION

After considering the new information the Commission concluded as follows:

The abundance of local support for the application was taken into consideration. However, the previous decision to refuse the proposed subdivision was based on the subject property having good agricultural capability, and secondly; while agriculture can be carried out on smaller parcels, larger parcels have greater agricultural potential.

**Conclusion:** The subject property has good agricultural capability and has more potential for agriculture presently, and in the future, if the existing parcel size remains unchanged.

## IT WAS

**MOVED BY:** Commissioner Dyson  
**SECONDED BY:** Commissioner Miles

THAT the request for to subdivide the 32.0 ha property into two (2) 16.0 ha lots be refused.

AND THAT as it has now been over a year since the Commission's original decision the Commission considers this application to be closed.

**CARRIED**  
**Resolution #27/2014**