



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler
ALC File: # S-37326

May 16, 2008

John McFaul
34 - 2989 Trafalgar Street
Abbotsford, BC V2S7X9

Dear Sir:

Re: Request for Reconsideration

Please find attached the Minutes of Resolution # 259/2008 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.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of Nanaimo (6635-02-0701)

Enclosure: Minutes/Sketch Plan

TK/37326d3.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 15, 2008 at the offices of the City of Parksville located at 100 E. Jensen Avenue, Parksville, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff

For Reconsideration

Application: # S- 37326
Applicant: Pauline Judge
Agent: John McFaul
Request: That a subdivision for one lot of approximately 0.4 ha within the Agricultural Land Reserve be considered. Correspondence from John McFaul, P. Ag., dated April 21, 2008.
Legal: PID: 000-119-521
Lot 3, Section 1, Range 7, Cranberry District, Plan 725, EXCEPT Part in Plans VIP69195 and VIP69231
Location: 1712 Vowles Road, Cassidy

Site Inspection

A site inspection was conducted on May 15, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- John McFaul Agent
- Pauline Judge Applicant

The Commission walked the property and discussed potential areas for an alternative site for the one lot subdivision on the property. The Commission viewed several pits dug in the northwestern portion of the property and noted the soil was mostly gravel and rock.

Discussion

In its past deliberations regarding this application, the Commission has recognized that the agricultural capability of the property has limitations and is variable, but maintained the view that exclusion from the ALR was not warranted. However, upon reconsideration, the Commission considered whether the northwestern portion of the property was so minimal in terms of its agricultural capability due to the large proportion of gravel and rock in this area, that subdivision of one lot in this location would not impact the agricultural potential of the remainder of the property.

The Commission also considered whether the area proposed for a one lot subdivision was unique due to its location and soil characteristics and as such, would not impact existing or potential farm use of other ALR lands in the area.

Conclusions

1. That the area proposed for a one lot subdivision has minimal agricultural capability.
2. That the proposal for subdivision will not negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Craven

THAT no persons are affected by the reconsideration, and

THAT the previous decision to refuse exclusion of the subject property be confirmed, and

THAT a subdivision of one lot of 0.4 ha within the Agricultural Land Reserve situated in the northwest corner for the property, with panhandle access to Vowels Road, be approved.

AND THAT the approval is subject to the following conditions:


- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 259/2008

Commissioner Dyson wished to be recorded as being opposed to the decision.

Plan of proposed subdivision of  of
the remainder of Lot 3, Section 1, Range 7,
Cranberry District, Plan 725.

Pursuant to Section 946 of the Local Government Act.

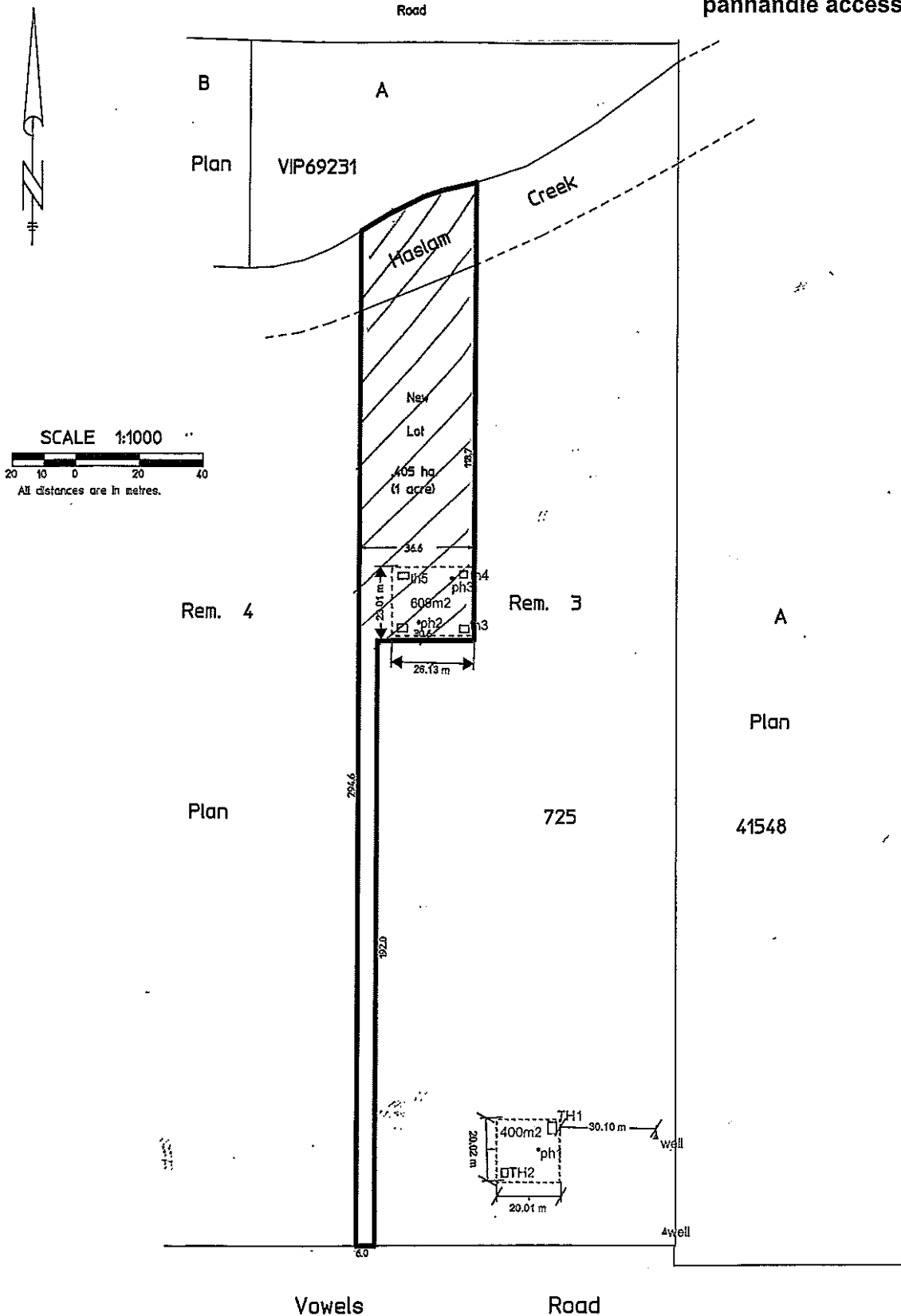
Provincial Agricultural Land Commission
Application # S-37326
Resolution # 259/2008




Subject Property



Approved 0.4 ha (approx) subdivision with panhandle access



SCALE 1:1000

 All distances are in metres.