



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: J-37427

December 6, 2007

Murray McNab
Box 328
Ladysmith, BC V9G1A3

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 645/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (3-H-06ALR)

Enclosure: Minutes

TK/37427d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2007, in Comox, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 37427
Applicant: 752607 BC Ltd
Agent: Murray McNab
Proposal: To subdivide the 57.2 ha subject property, to create approximately twenty-seven (27) 2.0 ha parcels.
Legal: PID: 026-066-815
Lot A, District Lot 13, Oyster District, Plan VIP77718, EXCEPT Part in Plans VIP78618 and VIP78927
Location: 3852 Yellow Point Road

Site Inspection

A site inspection was conducted on July 18, 2007. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Murray McNab and Associate Agent

The Commission met with the agents on the property on July 18, 2007. The Commission viewed several areas of the property. The Commission noted that portions of the property were extremely limited for agriculture due to rock outcroppings and topography. However, other areas of the property appeared to have reasonable soil capabilities for agriculture.

To that end, the Commission requested that a report from a soils agrologist and the revision of the original site plan included with the application be submitted which accounted for the portions of the property that had agricultural capability.

A Land Capability Assessment report, prepared by Madrone Environmental Services, and a revised subdivision plan were received by November 6, 2007. As such the Commission was able to further consider the application.

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

The Commission recalled the site visit and the areas of the property that had significant rock outcroppings. Based on what the Commission viewed, it appeared that the property had marginal capability for agriculture.

As such, the Commission reviewed the findings of the Madrone report with interest. Upon further discussion, the Commission noted that the findings presented in the report appear to indicate that the soil capability of the subject property is relatively high. According to the Madrone report, 67% of the property is improvable to Class 3 or higher. The Commission considers that this level of capability is prime for agriculture. After careful consideration, given the results of the Madrone report, the Commission did not believe that subdivision was warranted and could not agree to the significant subdivision that the applicant had proposed.

Conclusions

That the land under application has agricultural capability and is appropriately designated as ALR.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused as proposed.

CARRIED

Resolution # 645/2007