



Agricultural Land Commission
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December 5, 2008

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

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 # 766/2008 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 a revised conceptual subdivision plan for the Commission's review prior to the final survey plans. An example of a subdivision plan that would be acceptable to the Commission is attached for your convenience.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

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

TK/
i/37427d2.doc



A meeting was held by the Provincial Agricultural Land Commission on November 06, 2008 in Courtenay, B.C.

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

For Consideration

Application: # J- 37427-1
Applicant: 752607 BC Ltd
Agent: Murray McNab
Proposal: To reconsider the original application for subdivision based on a new Hydrological Study and Land Capability Re-Assessment Report.
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

The Commission received a revised agrologist report on July 10, 2008 and agreed to the reconsideration of the original application based on Section 33(a) of the *Agricultural Land Commission Act* and did not believe any person to be directly affected by the reconsideration.

Site Inspection

A site inspection was conducted on November 6, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Lloyd Hierbert Applicant
- Murray McNab Agent

This was Commissioner Dyson's first visit to the property having been appointed subsequent to the original decision.

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

Commissioners Seitz and Craven recalled the previous site visit on July 18, 2007 and recalled their first impression that the land appeared to be of poor agricultural quality. Despite their first impression, the Commissioners recalled that they had relied on the original Agrologist report, which suggested the land had significant agricultural potential when making the decision to refuse the original proposal.

According to the revised agrologist report, 68% of the property is identified as unimprovable Class 4 to Class 7 with limitations of bedrock outcroppings and topography; 24% of the property is improvable to Class 3; and 8% is improvable to Class 1 and 2.

The Commission noted that the findings of the revised report, dated July 3, 2008 were significantly different than the findings of the original report, dated August 24, 2007. The Commission discussed the discrepancies between the two reports with the applicant and agent at the site visit and also contacted Gordon Butt, P.Ag, the consulting Agrologist for the applicants. It was explained to the Commission that the second report resulted in more accurate findings based on a wider range of locations on the property for soil sampling.

The Commission recalled its observations of the property from both site visits and believed that the new report was more reflective of what it had observed. The Commission recognized that although the majority of the property had limited capability for agriculture, some areas of the property did appear to have potential for agriculture. Therefore, the Commission was concerned about preserving the areas of the property that had agricultural potential.

To that end, the Commission was prepared to approve the subdivision of the property to a maximum of 17 parcels, subject to the receipt of a conceptual subdivision plan which preserves the areas of the property with agricultural capability into larger parcels. Based on the subdivision plan submitted at the site visit, the Commission discussed a suitable subdivision configuration which would combine proposed lots 10 and 11 into one lot, proposed lots 19, 20, and 21 into one lot and proposed lots 17 and 18 into one lot, and leave Lot 6 with no less than 4.0 ha. A subdivision plan of this nature would meet the intent of the Commission to preserve the land with agricultural potential.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

THAT the application be approved in principle, subject to the following conditions:

- the preparation of a subdivision plan which preserves the areas of the property with agricultural capability into larger parcels and creates no more than 17 parcels
- the subdivision must be completed within three (3) years from the date of this decision.

CARRIED

Resolution # 766/2008

