



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

Reply to the attention of Terra Kaethler
ALC File: # A-37972

April 18, 2008

Jim McManus
9535 Faber Road
Port Alberni, BC V9Y9C5

Dear Sir:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 162/2008 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: 

Erik Karlsen, Chair

cc: Regional District of Alberni-Clayoquot (AB07009)

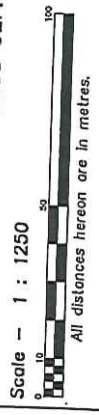
Enclosure: Minutes/Sketch Plan

TK/
i/37972d1.doc

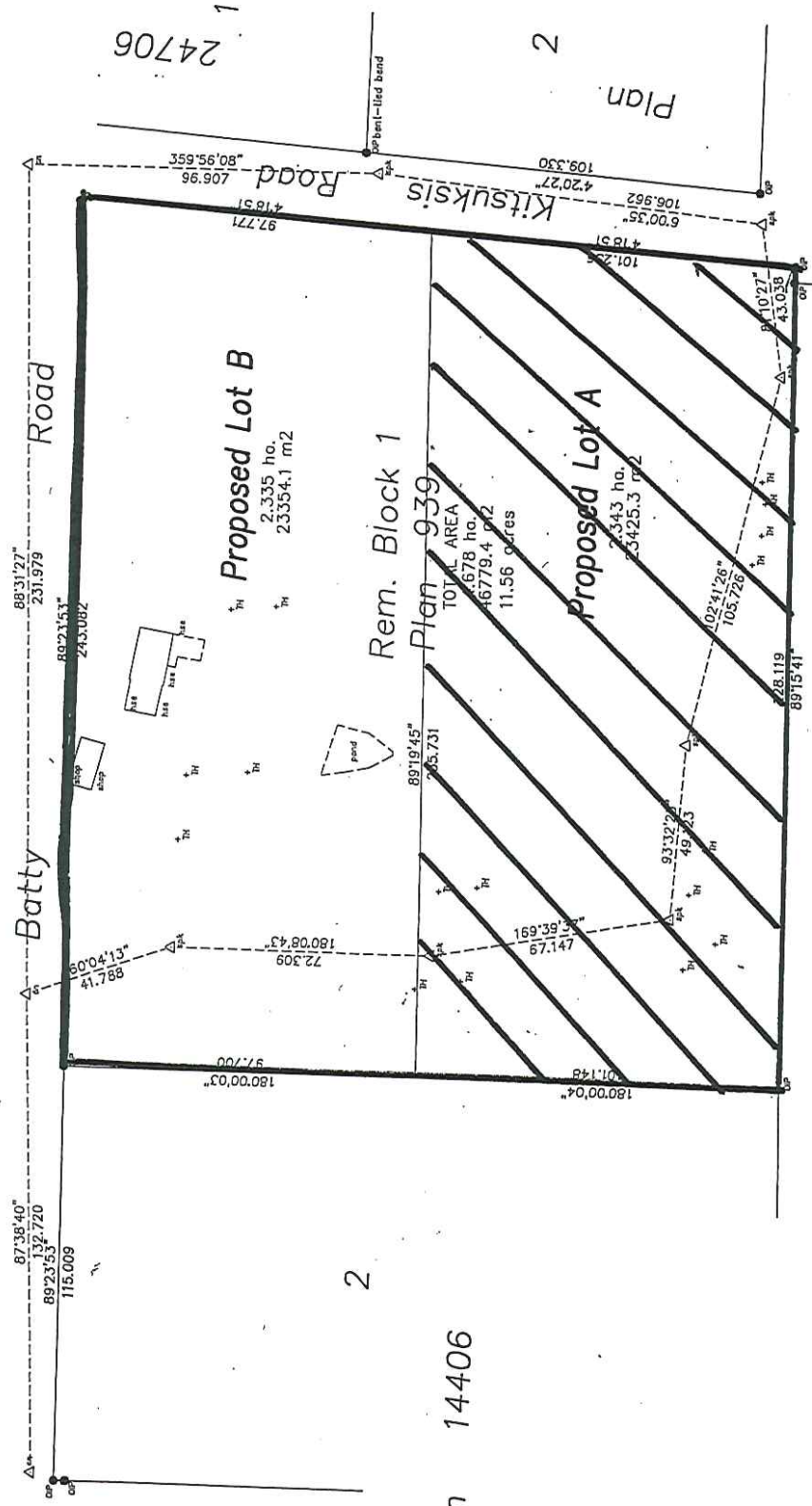
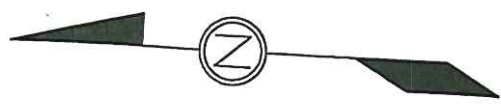
 Subject Property
 Approved 2.5 ha (approx) subdivision

**PROPOSED SUBDIVISION OF THE REMAINDER OF BLOCK 1,
 D.L. 167, ALBERNI DISTRICT, PLAN 939**

BCGS 92F.026



All distances hereon are in metres.
 Bearings are astronomic and are derived from Plan 14406



Plan 14406

Plan 14530

DATE: JULY 10, 2007
 FIRST AMENDMENT
 DATE: FEBRUARY 15, 2008

ACRES & POLLOCK
 B.C. LAND SURVEYORS
 PORT ALBERNI, B.C.
 PHONE 250 723 5412
 FILE - 14962

This plan lies within the Regional District of Alberni-Clayoquot



A meeting was held by the Provincial Agricultural Land Commission on March 19, 2008 in Colwood, B.C.

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

For Consideration

Application: # A- 37972
 Applicant: Dave and Lucille Earl
 Agent: Jim McManus
 Proposal: To subdivide the 4.7 ha subject property to create two (2) lots.
 Legal: PID: 008-153-248
 Lot 1, District Lot 167, Alberni District, Plan 939, EXCEPT That part in Plan 14406
 Location: 5110 Barry Road, Port Alberni

Site Inspection

A site inspection was conducted on March 17, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Dave Earl Applicant
- Jim McManus Agent

The Commission met with the applicant and agent and walked the property. The property is used for rural residential purposes. There is one dwelling on the property and the land is undulating with low lying wet areas and partially cleared areas. The Commission noted that the subdivision had been reconfigured to create one (1) lot using the north half of the property and one (1) lot using the southern half. It was further noted that the lands to the north of Batty Road appeared to have more potential for agriculture.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The majority of the subject property is identified as Class 3 to Class 4 with limitations of stoniness, excess water and topography

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The Commission noted that a previous decision for subdivision of the subject property was refused in 1991 based on agricultural capability. However, a site visit was not conducted at that time. Upon the site visit, the Commission noted that the topographical constraints of the property would limit agricultural use to small pockets of land. As such, the Commission did not believe that subdivision would negatively impact the agricultural potential of the property.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted at the site visit
- 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 # 162/2008