



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: A-38163

September 25, 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 # 557/2008 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.

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

cc: Regional District of Alberni-Clayoquot (AE07012)

Enclosure: Minutes

TK/
i/38163d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 10, 2008 at the offices the District of Saanich, located at 770 Vernon Ave, Victoria, B.C.

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

For Consideration

Application: # A- 38163
 Applicant: Douglas and Bertha Miller
 Agent: Jim McManus
 Proposal: To subdivide the 8 ha subject property to create two (2) lots at 2 ha and a remainder of approximately 4 ha.
 Legal: PID: 008-668-671
 Parcel C (DD35010I), District Lot 151, Alberni District, EXCEPT Parts in Plans 66 RW, 6735 and 24097
 Location: 6041 Drinkwater Road, Port Alberni

Site Inspection

A site inspection was conducted on September 9, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Doug Miller Applicant
- Jim McManus Agent

The Commission met with the applicant and the agent on the property. It was noted that the majority of the property had not been cleared and that the soil appeared to have good potential for a wide range of agricultural uses.

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. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is identified as improvable to:
Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

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

Subclasses

D undesirable soil structure T topography

The Commission considered that, based on the soil capability ratings, as well as their observations from the site visit, the property had prime capability for agricultural use and could thus support a broad range of agricultural activity in its present size. The Commission believed that subdivision of the property would decrease the agricultural potential of the property.

Assessment of Agricultural Suitability

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and other limitations to agriculture. The Commission noted that several properties in the vicinity had similar agricultural ratings and were currently farmed. Further, while the Commission noted that there were a variety of parcel sizes in the area it believed there were sufficient small lots available in the area, and that agriculture would be better served by maintaining the subject property at its current size.

As such, the Commission did not believe there were external factors that rendered the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural value as a single unit than as three separate parcels and that subdivision would negatively impact the agricultural opportunities suited to the subject property in the long-term.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Seitz

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED

Resolution # 557/2008