



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: II-38267

September 25, 2008

Claude and Gary Snarch
2946 W 38th Avenue
Vancouver, BC V6N2X1

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 552/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Islands Trust Hornby Island (HO-ALR-2008-1)

Enclosure: Minutes

TK/
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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: # II- 38267
 Applicant: Claude Snarch
 Proposal: Subdivide for a Relative: To subdivide the 32.4 ha subject property to create two (2) 16.2 ha lots
 Legal: West 1/2 of the South West 1/4, Section 6, Hornby Island, Nanaimo District
 Location: 7250 Central Road, Hornby Island

Site Inspection

A site inspection was conducted on September 8, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Claude Snarch Applicant
- Gary Snarch Applicant

The Commission met with the applicants and walked the property. It was noted that the majority of the property was cleared and was not being used for agricultural production.

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 majority of the subject property is improvable to Class 2 and Class 3. The Commission considered that this was prime agricultural capability. In its deliberations, the Commission also considers land constraints on the property that may warrant a subdivision, such as pockets of poor soil capability, topographical or other physical challenges and other limitations. None of these issues appeared to be applicable to the current subdivision proposal.

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 limitations to agriculture. The property was 32.0 ha in size and one of the largest agricultural lots on Hornby Island. The property was surrounded by Crown land and rural residential lots.

The Commission discussed other limitations to agriculture, and there was recognition of the unique agriculture situation on Hornby Island, due to its remote location. Access to Hornby Island involves two ferry transits, which may pose a significant challenge for agriculture with respect to both access to inputs and access to markets. As a result, there was a general recognition that market opportunities, currently and probably in the future, would likely be focused on Hornby Island and secondly, on Denman Island.

However, the Commission did not believe these external factors rendered the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the goal of preserving agricultural land for current and future agricultural use.

The Commission was receptive to the view that given the unique nature of Hornby Island, the future of agriculture on Hornby Island may be focused on smaller lot agriculture. Never the less, the Commission also was receptive to the concern that once a property has been subdivided, it is difficult to re-create larger parcels, should they be needed for agricultural production in the future.

At the site inspection and its discussion with the applicant, the Commission received little information that would suggest the subdivision would have any benefit for agriculture. It would appear the result of the subdivision would simply create two rural residential/recreational properties, with no enhancement for agriculture on either lot. Furthermore, the Commission does not consider estate settlement, as presented in this application, as a valid rationale for subdivision.

Therefore on balance, the Commission considered that agriculture was better served by keeping the property in one consolidated parcel.

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.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land for current and future agricultural use.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Dyson

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.

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 # 552/2008