



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: UU-38472

February 3, 2009

677301 Ontario Inc.
1100 Merecroft Road
Campbell River, BC V9W6B2

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 4/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Strathcona Regional District (3110-20/ALR-1J-08)

TK/
I/38472d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 14, 2009 in Campbell River, B.C.

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

For Consideration

Application: # UU- 38472
Applicant: 677301 Ontario Inc.
Proposal: To subdivide the 10.5 ha subject property to create a one (1) 6.0 ha for livestock and one (1) at 4.5 ha for growing produce.
Legal: PID: 000-663-379
Location: Lot 1, District Lot 169, Quadra Island, Sayward District, Plan 36993
Sutil Road, Quadra Island

Site Inspection

A site inspection was conducted on January 14, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Jana Watt Applicant
- Warren Harle Applicant

The Commission met with the applicants and walked the property. It was noted that the majority of the property had been cleared, though the western portion of the property was forested. The property bordered the ocean and had a steep slope on the southern boundary. A small, vacant cabin was the only dwelling on the property. With the exception of a small orchard, the property 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

A Soil and Agricultural Capability Assessment Report, prepared in 2005, was submitted with the application.

The report found that the agricultural capability of the western portion of the property was improvable from Class 3 to Class 5 with limitations of stoniness and soil moisture deficiency. The majority of the eastern portion of the property was improvable from Class 2 to Class 4 with limitations of stoniness, soil moisture deficiency, topography, and excess water. The bluff area along the southern boundary was identified as Class 7, unimprovable, with a limitation of topography.

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.

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

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission recognized the variation in agricultural capability on the subject property. However, in light of this variability, it was held that subdivision would further serve to compromise the agricultural potential of the property. The Commission considered that in its present parcel size it could support a broad range of agricultural activity. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

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 Commission did not believe there are external factors that render 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 potential as a single unit and that subdivision would negatively impact the agricultural opportunities available 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.

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 # 4/2009