



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: S-38561

February 3, 2009

Franz and Margarete Sablatnig
2484 Tiesu Road
Nanaimo, BC V9X1K2

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 3/2009 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 light blue horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo (6635-35-04-0805)

TK/
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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: # S- 38561
 Applicant: Franz and Margarete Sablatnig
 Proposal: To subdivide the 16 ha subject property to create one (1) 2.0 ha parcel and a remainder parcel of 14 ha.
 Legal: PID: 000-037-001
 East 20 Chains of Section 11, Range 2, Cedar District, Except Plan 13515
 Location: 2484 Tiesu Road, Nanaimo

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
- Franz, Margarete Sablating and family Applicants

The Commission met with the applicants at the main house and viewed the property. The applicants informed the Commission that they had 21 horses and want to establish an agri-tourism horse center. Subdivision of the 2.0 ha lot would help to finance the development of the remainder property for agricultural purposes. The Commission noted that the majority of the parcel was cleared and relatively flat. The Commission then drove to the 2.0 ha area of the property proposed for subdivision. It was noted that the proposed lot was adjacent to a residential subdivision to the west of the subject property which was outside of the ALR.

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 identified as improvable to Class 3 with limitations including soil moisture deficiency, stoniness, and excess water. Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The Commission considered that the majority of the property had prime capability for agricultural use and that the property 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. 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.

Assessment of Other Factors

The Commission had compassion for the applicants and their family with regards to the difficult financial circumstances they have had to endure. However, the Commission must weigh an applicant's personal circumstances against its legislated responsibility to preserve agricultural land. In this case, the Commission believed that subdivision would have a negative impact on agriculture.

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 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 # 3/2009