



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 3, 2009

Reply to the attention of Terra Kaethler
ALC File: A-38615

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 # 7/2009 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Alberni-Clayoquot (AE08003)

TK/
I/38615d1.doc



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: # A- 38615
Applicant: Ray Russell
Agent: Jim McManus
Proposal: To adjust the boundary between the subject properties of 0.46 ha (previously a portion of a railway right of way) and 1.54 ha into two (2) parcels of 1.0 ha each.

Legal: 1. PID: 000-101-672
Lot 14, District Lot 88, Alberni District, Plan 910, Except Part Shown on Plan 66 RW
2. PID: 008-266-255
That Part of Lot 14, District Lot 88, Alberni District, Plan 910, Forming The Right of Way of the Esquimalt and Nanaimo Railway, as shown Coloured Red on Plan 66 RW, Except That Part Lying Southerly of a Boundary Parallel To and Perpendicularly Distant 50 Feet From the Centre Line of the Esquimalt and Nanaimo Railway as Shown on Plan 66 RW

Location: 6102 Saunders Road, North, Port Alberni

Site Inspection

No site inspection was conducted.

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission discussed that the boundary adjustment would not create any additional lots and would remove the former railway right of way. The Commission was of the understanding that this would eliminate any potential for future subdivision of the property. As such, the Commission did not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusion

That the proposal will not negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

THAT the application to adjust the boundary between the subject properties of 0.46 ha (previously a portion of a railway right of way) and 1.54 ha into two (2) parcels of 1.0 ha each be approved.

AND THAT the approval is subject to the following conditions:

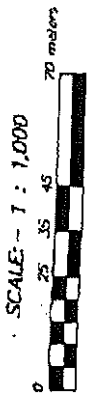
- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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.

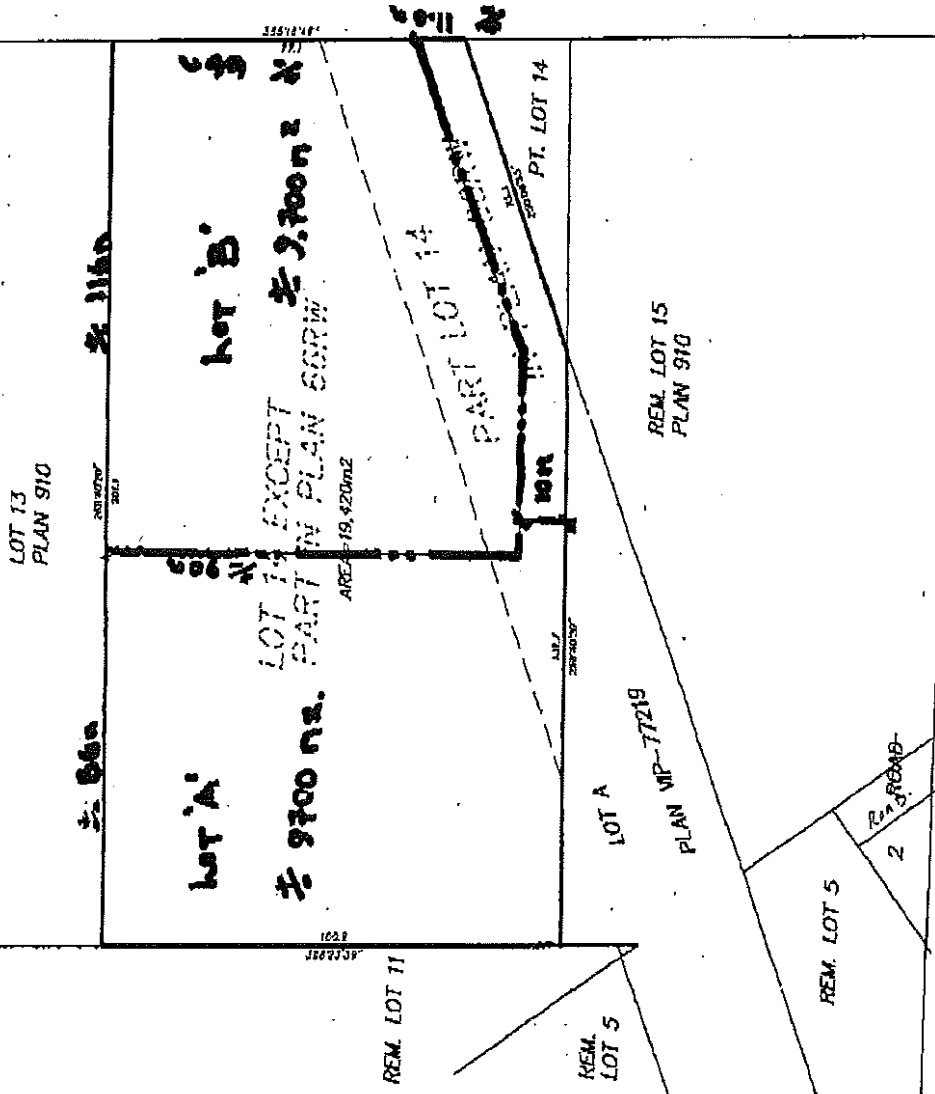
CARRIED

Resolution # 7/2009

PLAN OF PROPOSED SUBDIVISION OF PARTS OF LOT 14, DL 88, ALBERNI DISTRICT, PLAN 910.

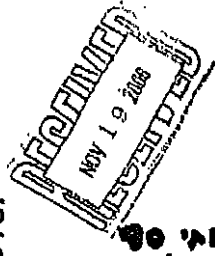


NOTE -
OWNER - R. RUSSELL
ADDRESS - 6022 SAUNDERS ROAD MORRIS
AGENCY - JAY BEHARIS (250 724-5706)



Proposed Subdivision

Revised layout: Roy Russell



AGNES J. POLLOCK
R.C. LAND SURVEYORS
PORT ALBERTON, S.L.
PHONE - 250-724-5442
FAX - 250-724-5442
FILE - 15363

Provincial Agricultural Land Commission
Application # 38615
Resolution #7/2009



Approved boundary adjustment