



Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: X-38736

April 17, 2009

Rick Rae
Emery and Rae Land Surveying Ltd.
4507 Manson Avenue
Powell River, BC V8A3N3

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 108/2009 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Powell River Regional District (DL 5099)

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A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 in Powell River, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	Jennifer Dyson	Commissioner
	Roger Cheetham	Staff

ABSENT: Commissioner David Craven recused himself from involvement in the consideration of the application. He did not attend the site visit nor was he present for the discussion of the decision.

For Consideration

Application: # X- 38736
 Applicant: Brian and Terrie Baldwin
 Agent: Emery and Rae Land Surveying Ltd. Rick Rae
 Proposal: To subdivide the 8.0 ha parcel into two lots of 3.0 and 5.0 ha each.
 Legal: PID: 015-833-976
 The North 1/2 of District Lot 5099, Group 1 New Westminster District
 Location: North side of Valley Rd, off of Padget Rd, Powell River

Site Inspection

A site inspection was conducted on March 26, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- Jennifer Dyson Commissioner
- Roger Cheetham Staff
- Brian Baldwin Applicant

The Commissioners met with the applicant and walked the property. It was noted that the property was being developed for agriculture production, including blueberries, raspberries, potatoes and winter greens. The applicant noted that subdivision would help to finance the development of the remainder property for intensive 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 Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or 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:

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

M	soil moisture deficiency	P	stoniness
X	cumulative and minor adverse	W	excess water

The Commission considered that the soil capability ratings reflected prime capability for agricultural use and that the property could thus support a broad range of agricultural activity in its present size. As such, 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 is suitable for agriculture, which included details such as property size, surrounding land use and external 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.

Further, the Commission believed that the proposed subdivision would encourage further parcelization of ALR properties within the area and may negatively impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission noted that it was impressed with the applicant's plans to increase the agricultural production on the property and that it was refreshing to see someone with new ideas.

However, it is important to note that the Commission does not base its decisions on the personal circumstances or financial situations of an applicant and does not generally support the subdivision of ALR land to provide for financing additional farm infrastructure. The Commission's mandate is to preserve and protect agricultural lands and farm communities in the long-term and as such, the Commission did not believe that subdivision of the property was warranted.

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 Seitz
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.

CARRIED

Resolution # 108/2009