



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

September 27, 2010

Reply to the attention of Gordon Bednard
ALC File: #51602

City of Port Alberni
4850 Argyle Street
Port Alberni, BC V9Y IV8

Attention: Ken Watson, City Manager and Russell Dyson, City Clerk

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2660/2010 outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

GB/eg
/51602d1



A meeting was held by the Provincial Agricultural Land Commission on July 30, 2010 at Port Alberni, BC.

PRESENT:	Richard Bullock	Chair
	Niels Holbek	Commissioner
	Mike Bose	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51602
 Applicant: City of Port Alberni
 Agent: Ken Watson – city manager
 Proposal: Exclusion of 6.7 ha from the ALR for commercial development
 Legal: Lot 1, District lot 14, Alberni District Plan 39369, Exc plan VIP75261
 Location: Near Corner of Johnson and Cherry Creek roads, Port Alberni

Site Inspection

A site inspection was conducted on July 30, 2010. Those in attendance were:

- Richard Bullock Chair
- Niels Holbek Commissioner
- Mike Bose Commissioner
- Gordon Bednard Staff
- Ken McRae Mayor
- Patrick Deakin Economic Development Manager
- Bill Thompson Chair – AAC of the ACRD
- Bob Haynes Member - AAC of the ACRD
- Russell Dyson City Clerk

The Commission viewed the property and discussed the nature of the application with the above representatives of the City of Port Alberni and others in attendance.

Exclusion Meeting

An exclusion meeting was conducted on July 30/2010 at the subject property. Those in attendance were:

- As above

Commissioner Eligible to Vote

Commissioner Jennifer Dyson was not present at the site inspection, the exclusion meeting, or the meeting wherein this decision was made.

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

A	soil moisture deficiency
D	undesirable soil structure
T	topography
W	excess water

The Commission considers this land as having prime capability for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. The present commercial development to the south of the subject property faces away from the subject lands and the property is separated from residential (non-ALR) lands to the west by a busy rural road (Cherry Creek).

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands by decreasing the buffering effect this property has between farmlands to the north and non-farm activities to the south and west. As well, exclusion and development of this land would increase the ALR/non-ALR interface

boundary, likely leading to increased conflicts and pressure to remove more lands from the Reserve.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Richard Bullock
SECONDED BY: Commissioner Niels Holbek

THAT the application be refused for the above reasons.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED
Resolution # 2660/2010