



Agricultural Land Commission
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September 27, 2010

Reply to the attention of Gordon Bednard
ALC File: #51617

Harry and Annie Fearman
750 Savoie Road
Hornby Island, BC V0R 1Z0

Dear Sir and Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2659/2010 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Islands Trust, Hornby Island (HO-ALR-2009.1 - Fearman)

GB/eg
/51617d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: # 51617
Applicant: Harry and Annie Fearman
Agent:
Proposal: Subdivide subject property into two lots of either equal size, or a 2 ha lot with a remainder.
Legal: Lot A, Section 15, Hornby Island, Nanaimo District, Plan 46721
Location: Savoie Road, Hornby Island

Site Inspection

A site inspection was conducted on July 19, 2010. Those in attendance were:

- Niels Holbek Commissioner
- Annie Fearman Applicant

Commissioner Holbek walked the property with the applicant and discussed the nature of the application. Commissioner Holbek reported on his observations at the Commission meeting on July 30, 2010.

Commissioner Eligible to Vote

Commissioners Bose, Dyson and Bullock were not present at the site inspection. It was confirmed that a summary of the site inspection was provided by Commissioner Holbek thus establishing the Commissioners' eligibility to vote on the application.

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

P stoniness
X cumulative and minor adverse

Overall, the Commission considered the subject lands had prime agricultural capability.

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. This property lies within a substantially rural area of Hornby Island. There appears to be no development pressure on this property from adjacent land uses.

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 is concerned that the proposed subdivision would create smaller parcels in the ALR, which in turn would limit the agricultural options on each property and increase the potential for conflict between residential and farm land use. The Commission believes the proposal would negatively impact existing or potential agricultural use of the subject and surrounding lands.

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 Niels Holbek
Seconded by: Commissioner Richard Bullock

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 # 2659/2010