



Agricultural Land Commission
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January 25, 2011

Reply to the attention of Gordon Bednard
ALC File: #51891

Colin Burrige
#2 – 1330 Dogwood St.
Campbell River, BC V9W 3A6

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 16/2011 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:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Comox Valley Regional District

GB/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 25, 2011 at Nanaimo BC.

PRESENT:	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Jerry Thibeault	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51891
 Applicant: Patrick Evans
 Agent: Colin Burridge
 Proposal: Subdivision and consolidation – three properties to be consolidated and three parcels to be created in two different area of the farm
 Legal: PID's 028-240-022, 006-032-788, 027-354-059, 006-032-745
 Location: Oyster River, Comox Valley RD

Site Inspection

A site inspection was conducted on November 25, 2010. Those in attendance were:

- Richard Bullock Chair
- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Jerry Thibeault Commissioner
- Gordon Bednard Staff
- Patrick Evans Owner
- Collin Burridge Agent

The Commission viewed the properties proposed for consolidation and noted that they are located within a field currently used for agricultural crops. The Commission also met with the applicant and agent to discuss the proposal.

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 proposed for consolidation is:
Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

The agricultural capability of the soil of the subject property proposed for subdivision is estimated as:

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.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Note: capability classes in this area are estimated from adjacent lands. BCLI mapping stops at the southern boundary of the proposed lots.

Subclasses

A	soil moisture deficiency
P	stoniness
D	undesirable soil structure
W	excess water

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 Commission has some concerns that if the two small lots proposed for consolidation are built on, the presumed residential use in proximity to the farm operation could lead to potential land-use conflicts. However, the Commission is also concerned with the creation of lots in the proposed subdivision area, as the proposed properties are relatively small for agricultural use. As well, the capability rating for these lands is lower, which tends to indicate that more land would be necessary in order for the land to be of a size suitable for farming.

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 for three properties to be consolidated and three parcels to be created in two different areas of the farm, exhibits no demonstrable benefit to agriculture and could potentially have an overall negative impact on existing or potential agricultural use of the subject 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 Jerry Thibeault
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 # 16/2011