



Agricultural Land Commission
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February 4, 2011

Reply to the attention of Gordon Bednard
ALC File: #51970

Fred Emery
Emery & Rae Land Surveying Ltd
4507 Manson Avenue
Powell River, BC V8A 3N3

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 26/2011 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 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Powell River Regional District Attn: Don Turner

GB/eg
/51970d1



A meeting was held by the Provincial Agricultural Land Commission on December 7, 2010 at Qualicum Beach, BC

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Gordon Bednard Staff

For Consideration

Application: #51970
Applicant: A.J. Watty et al
Agent: Fred Emery, BCLS
Proposal: Bare land strata subdivision into three lots reflecting the ownership and residence pattern on the land.
Legal: DL 3909, Gp 1, NWD
Location: Cannery and Malaspina roads, Powell River RD

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 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
Class 7 - Land in this class has no capability for arable or sustained natural grazing

Subclasses

M soil moisture deficiency P stoniness
R shallow soil / bedrock outcroppings T topography

While the ratings over much of the property indicate there may be limitations on the capability of the land to be used for agricultural purposes, this case has not been made by the

applicants by provision of a report from a qualified professional regarding site specific agricultural capability ratings.

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 is a substantially rural residential area which is mostly in forest cover.

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 not supportive of subdivision of agricultural lands based on multiple ownership. The present owners must have been aware that the land was in the ALR when they purchased, and that there were restrictions on land use and subdivision with that designation. The Commission has no record of allowing residences beyond the one single family dwelling permitted under the Act and Regulations. The Commission believes the proposed subdivision would impact potential agricultural use of the subject property in the future.

Conclusions

1. That the land under application is suitable for agricultural use.
2. That the proposal will impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Niels Hilbek
SECONDED BY: Commissioner Jennifer Dyson

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 # 26/2011