



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

January 28, 2011

Reply to the attention of Gordon Bednard
ALC File: #52030

Robert and Phyllis Darby
8050 Halpenny Road
Port Alberni, BC V9Y 8N4

Dear Mr. & Mrs. Darby:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 31/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KB Underhill', is written over the typed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Alberni Clayoquot Regional District Attn: Alex Dyer (file # AB 10003)

GB/eg
/52030d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: #52030
 Applicant: Robert and Phyllis Darby
 Agent: Jim McManus
 Proposal: Subdivide the parent parcel into 3 lots – two for the children of the applicants and one for sale.
 Legal: Lot B, DL 32, Alberni District Plan 27565ECX Plan 47834
 Location: Beaver Creek Road, ACRD

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	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. This is a large rural acreage located in a substantially rural area with little residential or non-farm activity, except to the southeast. The land has not been developed for agriculture to date, however, based on the agricultural capability ratings, has substantial potential for farm development.

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 generally supportive of subdivision of ALR lands with potential for agricultural use. The Commission believes the proposal would impact existing or potential agricultural use by the fragmentation of a large property with a wide range of potential agricultural options and the introduction of an increased number of non-farm related residences.

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 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 # 31/2011