



**Agricultural Land Commission**  
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May 5, 2011

Reply to the attention of Gordon Bednard  
ALC File: #52125

Michaele Graham  
1620 Baikie Road  
Denman Island, BC V0R 1T0

Dear Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 178/2011 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 (Gabriola Island) file#DE-ALR-2008.3

GB/eg  
/52125d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 at Campbell River, BC.**

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

### For Consideration

Application: #52125  
Applicant: Robert Gamble and Michaelaele Graham  
Agent: n/a  
Proposal: Subdivide the 7.2 ha property into two lots of equal size for family member.  
Legal: Lot B, Section 18, Denman Island, Nanaimo District Plan VIP65443  
Location: Lacon Road, Denman Island

### Site Inspection

A site inspection was conducted on March 8, 2011. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Michaelaele Graham and Travis Graham (her son)

The Commission toured the property and discussed the reasons for the proposed subdivision with the applicant and her son. The applicant expressed that her desire was to divide the property in order to provide her son with an opportunity to start an agricultural operation on a 1 acre (approximate) area he had staked out along the eastern boundary. The Commission viewed that area and the northern portion of the property which exhibited an apparently abundant source of water which could be used for irrigation.

The applicant had supplied a farm development plan including costs and revenue projections for the property.

### 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

### **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 property is located in an area of large lot rural residences and farm activities. It is presently of a size which would lend it to a wide variety of agricultural crop production.

### **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 generally not supportive of the subdivision of land with the potential for agricultural use as smaller lots have fewer opportunities for agricultural development. As well, smaller lots tend to be used for residential purposes only, and as such may have greater potential for conflict with agricultural uses on adjacent lands.

### **Conclusions**

1. That the land under application has good agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal to subdivide the property will negatively impact agriculture.

### **IT WAS**

**MOVED BY:**            Commissioner Jennifer Dyson  
**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 # 178/2011**