



.cultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 15, 2011

Reply to the attention of Jennifer Carson
ALC File: 52320

J. McManus
9535 Faber Road
Port Alberni, BC
V5Y 9C5

Dear Mr. McManus:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **368/2011** 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 blue ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Alberni-Clayoquot Regional District (File # AD10006)

JC/
52320d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Chair
Richard Bullock	Commissioner
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Roger Cheetham	Regional Planner
Terra Kaethler	Land Use Planner
Jennifer Carson	Land Use Planner

APPLICATION ID: #52320

PROPOSAL: To subdivide a 3.7 ha property into two lots of 0.7 ha and 3.0 ha as they are physically separated by the Lower Hector Road right of way. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 000-286-869
Legal Description: Lot 4, District Lot 39, Alberni District, Plan 1877, Except Part in Plan 515R
Civic Address: 7463 Hector Road
Size: 3.5 ha
Area in ALR: 3.5 ha
Current Land Use: Mobile home, partially cleared, partially constructed barn and several small outbuildings. A portion of the property is being converted into pasture.

PROPERTY OWNER INFORMATION:

1. Timothy Cisaroski (Joint Tenant)
2. Carly Shak (Joint Tenant)

DATE PROPERTY ACQUIRED: October 2010

SITE INSPECTION MEETING:

A site inspection meeting was conducted on June 23, 2011 following which a report was prepared and sent to the agent. The agent responded to the site inspection report with comments on August 15, 2011. The site inspection meeting report constitutes a written record

of the site inspection meeting and was provided to all Commission members recorded above, as well as all associated comments.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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 identified 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 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

D undesirable soil structure
T topography

The Commission considered that the majority of the property was identified as Class 2, according to the BCLI mapping. The northern portion of the property slopes toward the Sprout River, and is identified as having Class 7 capability with subclass of topography. The site visit report confirmed that the majority of the property appeared to have high capability for agriculture.

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. This consideration included details such as property size, surrounding land use and limitations to agriculture.

The Commission noted that the subject property is in an area of similarly sized parcels, all within the ALR. It further considered the impact of Lower Hector Road on the property and was of the view that it did not create a major impediment to using the property as an agricultural unit.

As such, the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission believed that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. In this case the Commission believes that any subdivision of the property will have a negative impact on agriculture.

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 Bullock
SECONDED BY: Commissioner Miles

THAT the application be refused.

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 368/2011