



Agricultural Land Commission
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November 15, 2011

Reply to the attention of Jennifer Carson
ALC File: 52344

Rob Howat
3880 Rock City Road
Nanaimo, BC V9T 4Y8

Dear Mr. Howat:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **364/2011** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: ACRD (AF10007)

JC/
52344d1



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: #52344

PROPOSAL: To subdivide a 10 ha lot from the 64 ha property. The applicant's age and health do not allow him to appropriately utilize the property or monitor its use. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 002-218-383
Legal Description: District Lot 15, Alberni District
Civic Address: 3500 Moore Road,
Size: 64.0 ha
Area in ALR: 64.0 ha
Current Land Use: The land is currently partially cleared and used for pasture/hay and partially forested. A hydro right of way bisects the parcel from north to south, serving as the proposed subdivision boundary for the 10 ha lot.

PROPERTY OWNER INFORMATION: Ronald Leslie

DATE PROPERTY ACQUIRED: 1989

SITE INSPECTION MEETING:

A site inspection meeting was conducted on October 5, 2011 following which a report was prepared. The site inspection meeting report was approved by Commissioner Dyson on October 14, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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 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.

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

Subclasses

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

The Class 2 and 3 lands predominate and as such the property has good agricultural capability and suitability.

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 discussed the proposed location of the subdivision as divided by the hydro right of way, but did not consider the right of way to be a significant impediment to using the property as an agricultural unit. 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. This consideration included details such as property size, surrounding land use and limitations to agriculture. It was noted that large properties such as the subject property are rare in the Port Alberni area and it was discussed that larger parcels have more opportunity for a wider range of agricultural options and have been found to be more likely to be used for agriculture in the long term. The Commission believes the proposal would adversely impact existing or potential agricultural use of the subject property.

Other Factors

While the Commission has compassion for the applicant's situation, it believes that a decision to permanently subdivide the property was not within its mandate to preserve agricultural land and encourage farming. The Commission discussed that there were other options available to the applicant without subdivision and encourages him to pursue these other avenues with the Ministry of Agriculture staff.

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 adversely 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 Johnson

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 # 364/2011