



Agricultural Land Commission
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February 28, 2012

Reply to the attention of Eamonn Watson
ALC File: 52253

Michael McLaughlin
331 Hough Road
Gibsons, BC
V0N 1V4

Dear Mr. McLaughlin:

Re: Agricultural Land Commission application to subdivide, 311 Hough Road, Elphinstone

Please find attached the Minutes of Resolution # 488/2011 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 long, thin horizontal line that spans across the width of the signature area.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Sunshine Coast Regional District (ALR E-37)

EW/52253d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Eamonn Watson	Land Use Planner

APPLICATION ID: # 52253

PROPOSAL: The applicant is proposing a two lot subdivision in order to facilitate the improvements required to farm the subject property. The subject property would be divided into an eastern lot of 1.75 ha facing King Road and a western lot of 2.25 ha facing Hough Road. The applicant would sell the 1.75 ha lot in order to invest in improving the 2.25 ha lot, making it capable for farming. The applicant has already constructed a greenhouse, and intends on developing five greenhouses with a total area of approximately 300 m². In addition, the applicant has laying hens on the subject property and intends to increase the size of the laying operation. The applicant further intends to develop a 1 ha orchard on the subject property. The sale of the 1.75 ha lot would allow the applicant to pursue the proposed agricultural improvements on the proposed 2.25 ha lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Michael Craig McLaughlin
Date of Acquisition: July 30, 2009
Parcel ID: 012-894-168
Title No. CA1207188
Legal Description: Lot J, District Lot 909, Plan 3417
Civic Address: 331 Hough Road, Elphinstone
Size: 4.0 ha
Area in ALR: 4.0 ha
Current Land Use: Food gardens, egg and chicken production, ginseng production, greenhouse under construction. House, workshop with attached bird coop, two small buildings for sheep and goats.
Farm Classification: Yes
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection was not conducted; the Commission reviewed the file material and deemed it had sufficient information to make a decision regarding the application.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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

Based on the information contained in Map 92G.033 (Scale 1:25,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 5:4AWD 3:4W 2:4A Improved Rating: (5:2AD 3:2WA 2:2AT)

Note: These ratings cover approximately 60% (or 2.4 ha) of the subject property.

Unimproved Rating: 7:5PA 3:4PA Improved Rating: (7:4PA 3:3PAT)

Note: These ratings cover approximately 30% (or 1.2 ha) of the subject property.

Unimproved Rating: 6:4AWD 4:4AT Improved Rating: (6:2ADT 4:3TA)

Note: These ratings cover approximately 10% (or 0.4 ha) of the subject property.

Class and Subclass Descriptions

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.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

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

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. Although the subject property is adjacent to the ALR boundary, 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 believes the proposed subdivision would increase the residential use of the subject property. In addition, the Commission does not believe the proposed subdivision would fundamentally change the ability to use the subject property for agriculture. As a result, the Commission does not believe the proposed subdivision is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

DECISION:

IT WAS

MOVED BY: Commissioner Bert Miles

SECONDED BY: Commissioner Jim Johnson

THAT the application to subdivide be refused for the following reasons:

- The land under application has agricultural capability and is appropriately designated as ALR;
- The land under application is suitable for agricultural use; and,
- The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

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 FINALLY 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.

CARRIED

Resolution # 488/2011