



Agricultural Land Commission
133-4940 Canada Way
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April 3, 2011

Reply to the attention of Jennifer Carson
ALC File: #52490

William Whittaker
6130 Todd Road
Courtenay, BC
V9J 1P4

Dear Mr. Whittaker:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **128/2012** 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: Comox Valley Regional District

JC/
52490d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Richard Bullock | Chair |
| Jennifer Dyson | Vice-Chair |
| Sylvia Pranger | Vice-Chair |
| Jim Johnson | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|-----------------|--------------------|
| Jennifer Carson | Land Use Planner |
| Colin Fry | Executive Director |

APPLICATION ID: #52490

PROPOSAL: To adjust lot lines between two parcels, three parcels from old railway right-of-ways, and a railway spur in order to create five lots. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Property 1:

| | |
|---------------------------|--|
| Parcel ID: | 006-418-961 |
| Legal Description: | Lot 35, Block 29, Section 33 and 34, Township 9, Comox District, Plan 2281 |
| Civic Address: | Todd Road, Courtenay |
| Size: | 20.6 ha |
| Area in ALR: | 20.6 ha |
| Property Owner(s): | William & Catherine Whittaker |
| Purchase Date: | July 6, 1972 |

Property 2:

| | |
|---------------------------|---|
| Parcel ID: | 000-878-120 |
| Legal Description: | That Part of Section 34, Township 9, Comox District, Plan 552G, Marked "E & N Ry, R/W" on Plan 2281 and Adjoining the North Easterly Boundaries of Lots 37, 40, 44 and 45 of said Plan 2281 |
| Civic Address: | Orr Road, Courtenay |
| Size: | 1.7 ha |
| Area in ALR: | 1.7 ha |
| Property Owner(s): | Ann Scott, Murray Presley and William & Catherine Whittaker |
| Purchase Date: | October 15, 1996 |

Property 3:
Parcel ID: 000-878-162
Legal Description: That Part of Section 33, Township 9, Comox District, Plan 552G, Marked "E & N Ry, R/W" on Plan 2281 and adjoining the North Easterly Boundaries of Lots 37, 40, 44 and 45 of said Plan 2281
Civic Address: Between Todd and Orr Roads, Courtenay
Size: 1.0 ha
Area in ALR: 1.0 ha
Property Owner(s): Ann Scott, Murray Presley and William & Catherine Whittaker
Purchase Date: October 15, 1996

Property 4:
Parcel ID: 000-878-073
Legal Description: That Part of Block 29, Comox District , Plan 691F, Marked "E & N Ry. R/W" on Plan 2281 and Adjoining the North Easterly Boundaries of Lots 37, 40, 44, 45, of said Plan 2281
Civic Address: Todd Road, Courtenay
Size: 2.8 ha
Area in ALR: 2.8 ha
Property Owner(s): Ann Scott, Murray Presley and William & Catherine Whittaker
Purchase Date: October 15, 1996

Property 5:
Parcel ID: 006-419-011
Legal Description: Lot 37, Section 33, Township 9, Comox District, Plan 2281
Civic Address: Dove Creek Road, Courtenay
Size: 9.6 ha
Area in ALR: 9.6 ha
Property Owner(s): Ann Scott & Murray Presley
Purchase Date: August 31, 1987

Total land in the ALR according to ALR Mapping 35.7 ha

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

C adverse climate
D undesirable soil structure

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. Furthermore, the Commission believes that while it was reasonable for adjacent property owners to purchase these small parcels in order to facilitate consolidation with their adjacent farm or property, the Commission does not support the use of these small linear parcels as an argument to subdivide agricultural land.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's experience, increasing the number of residences in the area, not only increases the infrastructure and built footprint on the property but also increases the possibility of conflict between residential uses and agricultural uses. The Commission believes the proposal would adversely impact existing or potential agricultural use of the subject property and surrounding lands.

Other Factors

The Commission discussed the corrections and supplemental information submitted by the applicants.

CONCLUSIONS:

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is more suitable for agricultural use in its current configuration.
3. That the proposal will adversely impact agriculture.
4. These historical linear parcels should not be used as a reason to subdivide agricultural land.
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Dyson

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.

CARRIED
Resolution # 128/2012