



Agricultural Land Commission
133-4940 Canada Way
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March 3, 2014

ALC File: #53376

Francis Dean Ellis
3830 Salal Drive
Hornby Island, BC V0R 1Z0

Dear Mr. Ellis:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #435/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #435/2013

cc: Islands Trust, 700 North Road, Gabriola Island, BC V0R 1X3 (File: DE-ALR-2013.2 (Ellis))

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53376.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Denise Dowswell	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 31 ha parcel into two lots of 15.5 ha.

PROPERTY INFORMATION:

Owner: Francis Dean Ellis

Legal: PID: 025-563-254
Lot "B", Section 23, Denman Island, Nanaimo District, Plan VIP74719

Location: Denman Island

Size: 31 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. 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) system.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 92F/10 for the subject property are approximately 50% Class 3P and 50% Class 3M.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are M (moisture deficiency) and P (stoniness).

Conclusion: The subject property has good agricultural capability and in its present size, can support a range of crops.

2. The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The property has agricultural capability as indicated by the improved CLI rating of Class 3 and is currently in agricultural production with hay. Subdivision as proposed will sever productive hayfields and ultimately divide the arable portions of the property.

In addition, although there are many "hooked lots" bisected by roads within the ALR that are successfully farmed, the Commission is generally not in favor of creating additional hooked lots as they often lead to future expectation of subdivision along the bisecting road.

Conclusion:

The Commission believes the parcel has greater agricultural potential as a one large farm parcel.

3. The Commission notes that the applicant has submitted a considerable amount of correspondence regarding on-going issues with the Denman Island Trust Committee (DILTC) regarding development permit areas on the subject property.

Conclusion:

The Commission believes these issues are between the applicant and the DILTC and are not germane to its consideration of the subdivision proposal

IT WAS
MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dyson

THAT the proposal to subdivide be refused.

CARRIED
Resolution #435/2013