



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

May 22, 2014

ALC File: #53575

Joe Pullen
P.O. Box 4
Errington, B.C. V0R 1V0

Dear Mr. Pullen:

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

Please find attached the Minutes of Resolution #148/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #148/2014
Sketch plan

cc: Regional District of Nanaimo (File #PL2013-082)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53575.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Liz Sutton	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Chief Tribunal Officer

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

To subdivide a 3.1 ha parcel into one (1) 1.2 ha ALR parcel and one (1) 1.9 ha ALR/Non-ALR parcel.

PROPERTY INFORMATION:

Owner: Gerald Bowen

Legal: PID: 002-864-720
Lot A, Section 1, Range 5, Cranberry District, Plan 25040

Location: 1120 Spruston Road, Cassidy

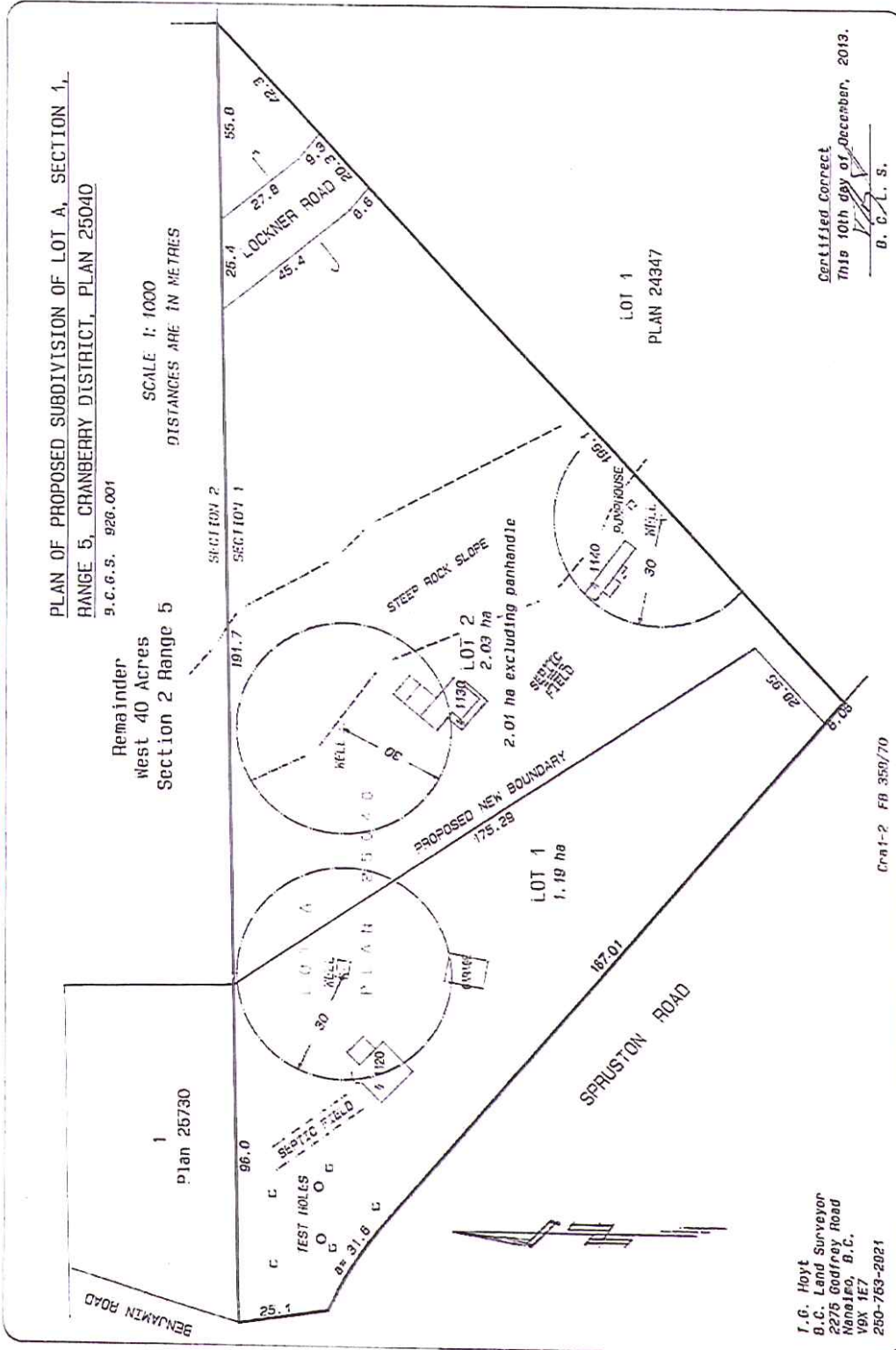
Size: 3.1 ha (1.7 ha are within the ALR)

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

ALC #53575 (Bowen)
 Approved Subdivision
 Resolution #148/2014



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- (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.

COMMISSION CONSIDERATION

The Commission reviewed two previous applications involving the subject property:

Application #44031 (Pullen, 2007) To exclude the ALR components of the property from the ALR. There are two ALR portions of the property Refused as submitted, however, the Commission allowed a 1.0 ha subdivision at the southeast side of the property. Resolution #396/2007 dated July 19, 2007.

Note: The subdivision was not pursued to completion and approval expired in 2010.

Application #17036 (Pullen, 2001) To subdivide a 1 ha lot from the 3.2 ha parcel so the applicant can provide a residence for a relative. Only a portion of the property is in the ALR. Refused as submitted but the Commission allowed a subdivision along the ALR boundary with a panhandle through the ALR to access the non-ALR lot. The panhandle access was to be located along the perimeter of the property so it will not bisect the better agricultural lands. Resolution #414/2001 dated June 27, 2001.

Request to Reconsider Resolution #414/2001

The decision by Resolution # 414/2001 was reconfirmed on the grounds that the Commission believed its proposed alternate subdivision plan, while not what the applicant had requested, was a reasonable compromise which keeps the majority of the ALR component in one piece.

After considering the information the Commission concluded as follows:

The proposed subdivision would not have an adverse impact on agricultural use of the subject property.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Thibeault

THAT the proposal to subdivide the subject property be conditionally approved.

AND THAT the final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application;
2. That the applicant agrees to rescind Resolution #414/2001 in writing; and
3. The subdivision plan be completed within three (3) years from the date of the Commission's letter communicating this decision;

AND FINALLY THAT 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 #148/2014