



Agricultural Land Commission
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November 5, 2015

ALC File: 54149

Doris Corey and Kenneth Hawser
3673 7th Avenue
Port Alberni, BC V9Y 4N6

Dear Ms. Cory and Mr. Hawser:

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

Please find attached the Reasons for Decision of the Agricultural Land Commission (Resolution #338/2015) as it relates to the above noted application.

Section 33.1 ALCA Reconsideration of a Decision by the Commission Chair

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the executive committee to reconsider this panel decision if, within 60 days from the date of this decision, he considers that the decision "may not fulfill the purposes of the commission as set out in section 6 or does not adequately take into account the considerations set out in section 4.3". I can advise you that in this case, the Chair has already reviewed the decision and has instructed me to communicate to you that he does not intend to exercise that authority in this case.

Section 33(1) ALCA Reconsideration of a Decision by an Affected Person

Should you or any affected person wish to have your application reconsidered, your attention is drawn to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

The legislation and regulation make no reference to a time frame for requesting reconsideration pursuant to s. 33(1). However, significant changes over time to the circumstances in which a decision is made may make it more appropriate for an applicant to submit a new application rather than ask for reconsideration.

Please be advised that s. 33.1 and s. 33(1) are separate sections of the *Agricultural Land Commission Act* and are not related to each other.

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Further correspondence with respect to this application is to be directed to Liz Sutton at (Elizabeth.Sutton@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

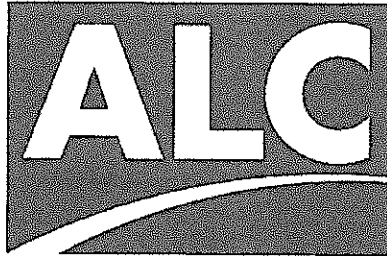
Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Reasons for Decision (Resolution #338/2015)

cc: Alberni Clayquot Regional District (File: AE14004)

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AGRICULTURAL LAND COMMISSION FILE 54149

**REASONS FOR DECISION
OF THE ISLAND PANEL**

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Doris Corey
Kenneth Hawser
(the "Applicants")**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 008-264-244

Lot 12, District Lot 88, Alberni District, Plan 910

(the "Property")

[2] The Property is 2.0 ha in area.

[3] The Property has the civic address 6176 Saunders Road, Port Alberni.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the 2.0 ha parcel into a 0.8 ha lot and 1.2 ha lot (the "Application").

[7] On September 21, 2015, the Chair of the Agricultural Land Commission (the "Commission") referred the Application to the Island Regional Panel (the "Panel").

RELEVANT STATUTORY PROVISIONS

[8] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[9] The Panel considered the Application within the context of s. 6 of the *ALCA*:



- 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[10] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Applicants in advance of this decision.

[11] On March 31, 2015 the Alberni-Clayoquot Regional District (ACRD) Board resolved to forward the application to the Agricultural Land Commission along with comments provided by the Agricultural Advisory Committee.

[12] On February 23, 2015 the ACRD Agricultural Advisory Committee (AAC) provided the following comments:

- *M. Irg noted that the application does not comply with the Zoning Bylaw or the Beaver Creek Official Community Plan and would require rezoning and an OCP amendment should the application be supported by the Agricultural Land Commission. The property is divided by a creek that dissects the property. The soil classification maps indicate that this property has the same quality of soils as those properties on the north side of the road which are located outside of the ALR.*



- *Collins supports the proposal as it is in a neighbourhood with smaller parcels already.*
- *W. Smith objected to any further break up of this land despite the fact that it is in an area of smaller acreage properties. From a farming perspective he does not support the subdivision of these lots.*

The ACRD AAC moved and seconded that *"the application not be forwarded to the Agricultural Land Commission"*.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.026 for the mapping units encompassing the Property are 8:2D – 2:2DT

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), and T (topographic limitations).

Based on the BCLI mapping units, the Panel finds that the Property has prime agricultural capability.

[14] The Panel noted that a stream bisects the Property; the Panel did not consider the stream to be an impediment to agriculture as there is road access to both sides of the Property.

[15] The Panel considered the Application within the context of s. 6 of the *ALCA*, and found that there are no agricultural benefits to the Application. Further, the Panel found that subdividing the Property into smaller parcels would reduce the agricultural potential and range of agricultural opportunities on the Property.



DECISION

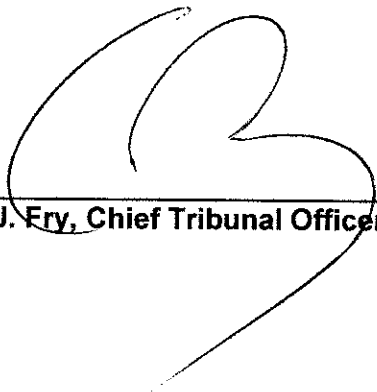
[16] For the reasons given above, the Panel refuses the Application to subdivide the 2.0 ha parcel into a 0.8 ha lot and 1.2 ha lot.

[17] Panel Chair Jennifer Dyson, concurs with the decision.
Commissioner Honey Forbes, concurs with the decision.
Commissioner Clarke Gourlay, concurs with the decision.

[18] Decision recorded as Resolution #338/2015.

A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the Agricultural Land Commission Act.

Upon instruction of the Panel, I have been authorized to release the Reasons for Decision by Resolution ##338/2015. The decision is effective upon release.



Colin J. Fry, Chief Tribunal Officer

November 5, 2015

Date Released