



Agricultural Land Commission
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December 8, 2016

ALC File: 55275

Shayna Ryles
6257 Renton Road North
Port Alberni, BC V9Y 8S7

Dear Ms.Ryles:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #425/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any 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 s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention 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.

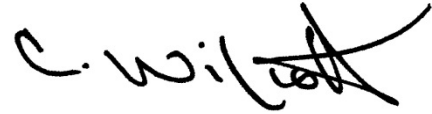
For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott, RPP, MCIP
Land Use Planner

Enclosure: Reasons for Decision (Resolution #425/2016)

cc: Alberni-Clayoquot Regional District – Attention: Heather Adair, Planner (File: AB16001)

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AGRICULTURAL LAND COMMISSION FILE 55275

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Cathleen Ryles
Michael Ryles
(the “Applicants”)**

Agent:

**Shayna Ryles
(the “Agent”)**

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: 007-642-202

Lot 1, Loop Farms, Alberni District, Plan 1297, Except part in Plan VIP64086
(the "Property")

[2] The Property is 8.1 ha in area.

[3] The Property has the civic address Lot 1 Debeaux 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. 20(3) of the *ALCA*, the Applicants are applying to develop a 28 site campsite with a possibility of future expansion (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

- 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

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Evidence from any third parties of which disclosure was made to the applicant

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

[10] At its meeting of July 27, 2016, the Alberni-Clayoquot Regional District (the “ACRD”) Board of Directors resolved:

That the Board of Directors pass as resolution to forward the non-farm use application to the Agricultural Land Commission noting that support of the non-farm use is subject to rezoning of the property, an Official community Plan Amendment, meeting Development Permit requirements, and preparation of property for agricultural uses.

SITE VISIT

[11] On October 17, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 1, 2016 (the “Site Visit Report”).

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.036 for the mapping units encompassing the Property are approximately 90% (6:3TP - 4:O5W) and 10 % (8:3TP - 2:4T).

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Note: For the rating of O5W, ‘O’ indicates organic soils.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations), and W (excess water).

- [14] The Panel reviewed the BCLI ratings and find that the Property has good agricultural capability and in its present size, could support a range of agriculture.
- [15] The Panel reviewed the ACRD staff report and noted that the Property is currently designated in the Official Community Plan (OCP) as Rural Use, and zoned as Rural (A2); neither the OCP or zoning permit campground use. The Proposal would require rezoning of the Property, an Official Community Plan amendment, and the meeting of Development Permit requirements. The Proposal's lack of consistency with the OCP and zoning demonstrates that the Proposal has not been contemplated through the long-term planning of the ACRD.
- [16] Unless otherwise prohibited by a local government, s. (3)(1)(a) of BC Regulation 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation") permits agri-tourism accommodation in the ALR if the parcel on which the accommodation is located is classified as farm, the accommodation is limited to 10 sleeping units, and the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel. The Proposal does not meet the criteria outlined in the Regulation for agri-tourism accommodations because the Property is not farmed and does not have farm classification. The Panel considered the impact of a 28 site campsite on the Property and find that the Proposal would not encourage the development of agriculture on the Property, but rather, it would utilize land with good agricultural capability for non-farm purposes.

DECISION

- [17] For the reasons given above, the Panel refuses the Proposal.
- [18] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.
- [19] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.



[20] This decision is recorded as Resolution #425/2016 and is released on December 8, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, consisting of several overlapping loops and a long tail stroke extending downwards and to the left.

Jennifer Dyson, Panel Chair, on behalf of the Island Panel

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