



Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: S-38844

April 16, 2009

Earl and Charlene Rhode
496 Rembar Road
Qualicum Beach, BC V9K2A4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 109/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo (RDN 6635 04 0902)

TK/
i/38844d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 in Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: # S- 38844
Applicant: Earl and Charlene Rhode
Proposal: To subdivide the 9.0 ha property into two parcels of approximately 4.5 ha each.
Legal: PID: 006-695-612
Lot 32, District Lot 81, Newcastle District, Plan 1967, EXCEPT Part in Plan 513 RW
Location: 496 and 520 Rembar Road

Site Inspection

A site inspection was conducted on March 26, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Roger Cheetham Staff
- Earle Rhode Applicant

The Commission met with the applicant and walked the property. It was noted that the property was cultivated for hay production and that irrigation was needed. There were 4 wells on the property, though not all of them were producing. One of the wells was used by the previous owner to irrigate the fields. The Commission also noted that there were two homes on the property, one of which pre-dated the Agricultural Land Reserve (ALR). The applicant mentioned that subdivision would help to finance the development of the remainder property for agricultural purposes.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They 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.

Discussion

Assessment of Agricultural Capability

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), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the subject property is identified as improvable to:

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.

Subclasses

P stoniness
X cumulative and minor adverse

The Commission considered that the soil capability ratings reflected prime capability for agricultural use and that the property could thus support a broad range of agricultural activity in its present size. As such, the Commission believed that subdivision of the property would decrease the agricultural potential of the property.

Assessment of Agricultural Suitability

The Commission considered whether the property is suitable for agriculture, which included details such as property size, surrounding land use and external limitations to agriculture. The Commission considered that the subject property is in an agricultural area and that the parcel size and agricultural ratings of the property are similar to surrounding parcels in the area. As such, the Commission did not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of 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 view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

Further, the Commission believed that the proposed subdivision would encourage further parcelization of ALR properties within the area and may negatively impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

It is important to note that the Commission does not base its decisions on the personal circumstances and financial situations of the applicant and does not generally support subdivision for financing additional farm infrastructure. Further, the Commission does not consider current market conditions to be a determining factor in its decisions.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

Conclusions

1. That the land under application has agricultural.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Dyson

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 # 109/2009