



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

13th January 2010

Reply to the attention of Gordon Bednard
ALC File: 51087

Walter and Donna Paravicini
1020 Page Road
Qualicum Beach, BC
V9K 2J8

Dear Sir and Madam:

Re: Applications subdivision land in the Agricultural Land Reserve and include land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1850/2009 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', is written over the printed name.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo

rc/
i/51087d1

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

The agricultural capability assessment undertaken by Catherine Orban on behalf of the applicants indicates that the area proposed to be subdivided is rated as Class 4 with excess water, soil moisture deficiency and stoniness limitations improvable to Class 3 and 4 with similar limitations. The bulk of the area proposed to be included has similar ratings.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did not believe that there are external factors that render either of the two areas unsuitable for agricultural use. However with respect to the area proposed to be subdivided it considered that the creation of three rural residential parcels would reduce the agricultural potential of this area and would result in the introduction of residential development into an area that is at present largely undeveloped. It also noted that the second growth forest could be used as a woodlot that could enhance the agricultural operations on the farm. With respect to the property proposed for inclusion it considered that its small size, the proximity of rural residential development outside the reserve, the two residences and the area debilitated by Pillar Road would together significantly reduce such potential.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the introduction of three rural residential properties into an area at present undeveloped would have an impact on the agricultural potential of the surrounding areas within the ALR, in particular that to the west which was included in 1984 as part of the fine tuning block exclusion/inclusion process undertaken in the area at that time.

Conclusions

In the light of the above considerations the Commission was of the view that the proposed subdivisions would have a negative impact on agriculture and were inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land. Further, it did not consider that there would be any benefits to agriculture from approving the inclusion application in view of its limited agricultural potential. It noted that these conclusions were consistent with its decision in terms of Resolution Number 14/2008 under application 44613 to refuse an application to subdivide the subject property into three parcels in view of its high agricultural capability and the impact on agriculture.

IT WAS

MOVED BY: Commissioner J. Dyson
SECONDED BY: Commissioner N. Holbek

THAT both applications 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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 1850/2009