



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

October 13, 2010

Reply to the attention of Gordon Bednard
ALC File: #51810

Laurie Crossan
201 Selby St.
Nanaimo, BC V9R 2R2

Dear Ms. Crossan:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2666/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo Attn: Elaine Leung (PL2010-091)

GB/lv
/51810d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 30, 2010 at Port Alberni, BC.

PRESENT:	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Mike Bose	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: # 51810
 Applicant: Robin and Michael King
 Agent: Laurie Crossan
 Proposal: Subdivision of 3.8 ha property into 1 ha and 2.8 ha properties.
 Legal: Lot 2, Section 17, Range 1, Cedar District Plan 3119 EXC plan 51389
 Location: Huddington Road, Nanaimo RD

Site Inspection

A site inspection was conducted on July 29, 2010. Those in attendance were:

Richard Bullock	Chair
Jennifer Dyson	Vice Chair
Niels Holbek	Commissioner
Mike Bose	Commissioner
Gordon Bednard	Staff
Robin King	Applicant
Laurie Crossan	Agent

The Commission walked the property and discussed the application with the applicant and agent, and viewed the area proposed for the 1 ha lot.

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 soil of the subject property is

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.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

A	soil moisture deficiency	P	stoniness
T	topography		

The Commission noted that the property contained a mixture of sloping and level ground. The higher areas were used for farm and residential buildings and the balance of the property was divided into pasture land.

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 property is located in a largely rural area with several small to medium sized agricultural operations within close proximity. There are no small lot residential or other non-farm land uses in the immediate area, and the subject land is surrounded with ALR designated properties on all sides. The Commission noted that an area of poor agricultural capability to the west of the present subject property had been subdivided off in 1989 for the present applicants. The Commission does 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. The Commission is not supportive of the creation of smaller residential-sized parcels within agricultural areas. The Commission believes the present proposal represents a residential intrusion into this mainly agricultural area and as such would have the potential to negatively impact existing or potential agricultural use of the remaining subject property or surrounding lands.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Niels Holbek

SECONDED BY: Commissioner Jennifer Dyson

THAT the application be refused. Land has sufficient capability and is of a size consistent with other agricultural properties in the area. Subdivision would limit the agricultural options for this property and increase non-agricultural residential land use in the area.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED
Resolution # 2666/2010