



**Agricultural Land Commission**  
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October 13, 2010

Reply to the attention of Gordon Bednard  
ALC File: #51828

Wayne McStravick  
2949 Rosalie Road  
Ladysmith, BC V9G 1C2

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2667/2010 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo Attn: Kristy Marks (PL2010-098)

GB/lv  
/51828d1



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

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

**For Consideration**

Application: # 51828  
 Applicant: Wayne McStravick  
 Agent:  
 Proposal: Subdivide the subject 5 ha lot into 3 and 2 ha properties.  
 Legal: Lot 1, Section 3, Range 3, Cedar district, Plan 24625  
 Location: Rosalie Road, Nanaimo Regional District

**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
Wayne McStravick	Applicant

The Commission toured a portion of the property and discussed the nature of the proposal with the applicant.

**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.
  - Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### Subclasses

- P stoniness
- R shallow soil / bedrock outcroppings
- T topography

The Commission noted the limited agricultural capability of the property as indicated by the ratings and onsite observations.

#### Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the capability of the property itself for agricultural production is limited, the Commission believes the creation of an additional residential lot in an area exhibiting substantial agricultural land use, would negatively impact existing or potential agricultural use of surrounding lands. Increased traffic and other residential/agricultural conflicts are common where the two land uses exist in proximity, and it is the experience of the Commission that increasing residential use in rural areas adds to this conflict.

#### Conclusions

1. That the proposal will impact agriculture.
2. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

#### IT WAS

**MOVED BY:** Commissioner Jennifer Dyson  
**SECONDED BY:** Commissioner Mike Bose

THAT the application be refused for the above reasons.

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 # 2667/2010**