



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

January 25, 2011

Reply to the attention of Gordon Bednard
ALC File: #51955

Gerry and Regan Tuppert
RR #1 - 7093 Rice Road
Duncan, BC V9L 1M3

Dear Sir and Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 18/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Municipality of North Cowichan
Attn: Rob Roycroft (file # 3025-20 10.03 folio 08656-002)

GB/lv
51955d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 26, 2010 at Nanaimo, BC.

| | | |
|-----------------|-----------------|--------------|
| PRESENT: | Richard Bullock | Chair |
| | Jennifer Dyson | Vice Chair |
| | Niels Holbek | Commissioner |
| | Jerry Thibeault | Commissioner |
| | Gordon Bednard | Staff |

For Consideration

Application: #51955
 Applicant: Gerry and Regan Tuppert
 Agent: none
 Proposal: Subdivision of a 1 ha parcel from the 2.4 ha property.
 Legal: Lot A, sec 10 Rge 2, Comiaken Dist, Plan 40572 Exc Plan VIP59350
 Location: Rice Road, North Cowichan

Site Inspection

A site inspection was conducted on November 26, 2010. Those in attendance were:

| | |
|-----------------|--------------|
| Richard Bullock | Chair |
| Jennifer Dyson | Vice Chair |
| Niels Holbek | Commissioner |
| Jerry Thibeault | Commissioner |
| Gordon Bednard | Staff |
| Gerry Tuppert | Owner |

The Commission walked the property and discussed 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 Commission also considered the following ratings as contained in a

Madrone Consultant's report dated November 2009, commissioned by the applicant:

The agricultural capability of the soil of the subject property is:

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

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.

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

Subclasses

| | | | |
|---|--------------------------|---|--------------|
| A | soil moisture deficiency | P | stoniness |
| T | topography | W | excess water |

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 does not believe there are external factors that render the land unsuitable for agricultural use. The property is located in a substantially rural area, where much of the land is used for agriculture.

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 while the property had some limitations to agriculture as noted in the capability ratings from the Madrone report as indicated above, it is located in a rural area with some measure of agricultural development. The Commission believes the proposal could potentially impact existing or developing agricultural use of surrounding lands by increasing the residential component of this rural area, thereby leading to increased residential/agricultural conflicts.

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 Jennifer Dyson

SECONDED BY: Commissioner Jerry Thibeault

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 # 18/2011