



Agricultural Land Commission
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January 12, 2011

Reply to the attention of Gordon Bednard
ALC File: #51975

Robert Mycoeh
13 - 3350 West Island Hwy
Qualicum Beach, BC V9K 2S2

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 5/2011 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:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes
cc: Regional District of Nanaimo Attn: Angela Buick (2010-157)

GB/
/51975d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 25, 2010 at Qualicum Beach, BC.

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

For Consideration

Application: #51975
 Applicant: Norman and Elizabeth Mycock
 Agent: Robert Mycoeh
 Proposal: Subdivision of a 2 ha lot for the grandson of the owner.
 Legal: DL 46, Nanoose District, exc. Plans 44554 and 45876
 Location: Errington Road, RDN

Site Inspection

A site inspection was conducted on November 25, 2010. Those in attendance were:

Richard Bullock	Chair
Jennifer Dyson	Vice Chair
Niels Holbek	Commissioner
Jerry Thibeault	Commissioner
Gordon Bednard	Staff
Norman Mycock	Applicant

The Commission toured the proposed 2 ha lot site in the NE corner of the property and noted the location of an equipment shed. No dwellings are located on this portion of the property. The applicant discussed the reasons for the application stating that his grandson (Robert) was the only one who seemed to be interested in helping out on the farm, and the applicant desired to give him a piece of the land for a house to encourage his future involvement in farming the property.

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 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

A soil moisture deficiency
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. There is a small block of rural residential development to the southeast of the subject property but this is remote from the proposed subdivision site and therefore unlikely to be the cause of any conflict which may cause the proposed subdivision site to be unsuitable 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 does not support the creation of residential lots in the ALR, especially in proximity to active farm operations. It believes the creation of such properties introduces potential land use conflicts which negatively impact existing or potential agricultural use of 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 and has in past been used in support of the existing farm operation.
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 Jerry Thibeault

SECONDED BY: Commissioner Niels Holbek

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 # 5/2011