



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

April 28, 2011

Reply to the attention of Gordon Bednard
ALC File: #52117

Douglas Beaumont
Ministry of Transportation & Infrastructure
3rd Floor - 2100 Labieux Road
Nanaimo, BC V9T 6E9

Attention: Doug Beaumont

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 172/2011 outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

Please send two (2) paper prints of the final survey plans (or documents as necessary) to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Nanaimo Regional District Attn: Development Services/Planning

GB/eg
52117d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 7, 2011 at Parksville BC.

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Denise Dowswell Commissioner
Gordon Bednard Staff

For Consideration

Application: #52117
Applicant: Ministry of Transportation and Infrastructure
Agent: Doug Beaumont
Proposal: Widen Hwy 4 to provide room for a left turn lane for westbound traffic
Legal: Lot A, DL 39, Newcastle Dist, Plan 46701 Exc VIP64964
Location: Hwy 4 and Redman Road

Site Inspection

- No site inspection was undertaken. The Commissioners are familiar with the area.

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 Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that this proposal was a minor impact on the ALR and does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Assessment of Community Need

The Commission considered the proposal represented a safety improvement to the existing road network and was therefore in the best interest of the community.

Conclusions

That the proposal will not significantly impact agriculture.

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Denise Dowswell

THAT the application be approved as presented subject to the Ministry of Transportation and Infrastructure presenting the Commission with options for potential agricultural benefits which could be facilitated by the Ministry in order to mitigate the loss of land to agriculture represented by this proposal. Such benefits could include, but are not limited to, the closure of superfluous roads or road rights of way, cancellation of easements etc.

AND THAT the approval is also subject to the following:

- the project must be completed within three (3) years from the date of this decision.

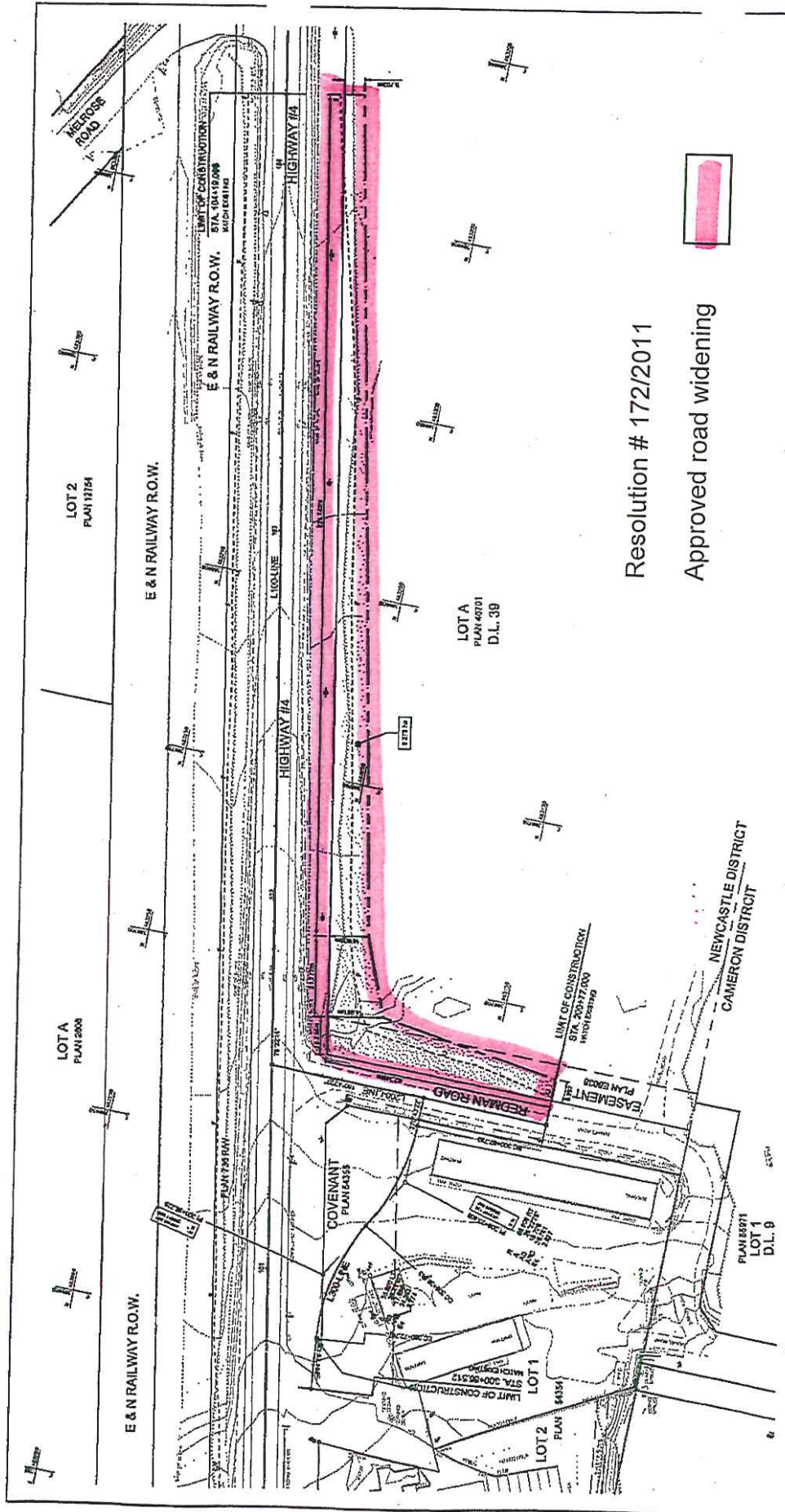
AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- 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.

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 # 172/2011



Resolution # 172/2011
Approved road widening



FOR INFORMATION ONLY

LEGEND

	SETBACK REQUIRED
--	------------------

NOTE: THIS DRAWING IS INTENDED FOR INFORMATION ONLY. ANY INFORMATION BEING CONSIDERED FOR DECISION SHOULD BE OBTAINED FROM THE PROJECT MANAGER.

RIGHT-OF-WAY REQUIREMENTS FOR LOT A

LEGAL DESCRIPTION	OWNER	PLANNING	ENVIRONMENTAL	TRANSPORTATION	UTILITIES	CONTRACT	DATE
LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000	LOT A PLAN 2000

APPROVED FOR RIGHT-OF-WAY ACQUISITION

ENGINEER/ARCHITECT'S SIGNATURE _____ TITLE _____
DATE _____

BINNIE
Civil Engineering & Planning
10-530
2000-0000

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
BRITISH COLUMBIA
Highway Design and Construction
SOUTH COAST REGION

PROPERTY ACQUISITION PLAN - LOT A
HIGHWAY #4 AT REDMAN ROAD (WHIRNEY CREEK)
PROJECT LIMITS
STATIONING

SCALE	DATE	PROJECT NUMBER	REV
1:1		10-530	1