



Agricultural Land Commission
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November 15, 2011

Reply to the attention of Jennifer Carson
ALC File: 52371

Ben Martin
2295 Maxey Road
Nanaimo, BC
V9S 5V5

Dear Mr. Martin:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 363/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a faint, larger signature.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, B. C. , V9T 6N2
(PL2011-083)

JC/
52371d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Jennifer Dyson | Chair |
| Richard Bullock | Commissioner |
| Bert Miles | Commissioner |
| Jim Johnson | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|-----------------|--------------------|
| Brian Underhill | Executive Director |
| Roger Cheetham | Regional Planner |
| Terra Kaethler | Land Use Planner |
| Jennifer Carson | Land Use Planner |

APPLICATION ID: #52371

PROPOSAL: To subdivide 0.4 ha from the 3.6 ha property. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 025-584-146
Legal Description: Lot A, Sections 15 & 16, Range 6, Mountain District, Plan VIP74660
Civic Address: 2295 & 2285 Maxey Road, Nanaimo
Size: 3.6 ha
Area in ALR: 3.6 ha
Current Land Use: The property is used for growing hay and raising livestock.

PROPERTY OWNER INFORMATION: Darline Martin

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 23, 2011 following which a report was prepared. The site inspection meeting report was approved by Commissioner Dyson on October 21, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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 majority of the subject property is improvable to

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.

A small portion of the south-western portion of the property has the agricultural capability of

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
T topography

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. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. Furthermore, the site visit demonstrated to the Commission that the property has significant agricultural potential and noted that the applicant is selling hay from the property which also demonstrates its suitability for agriculture.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was concerned that the proposed subdivision could limit the range of farming activities that could be practiced on the property in the future. Given the high agricultural capability and suitability of the property, the Commission believes the proposal would adversely impact existing or potential agricultural use of the subject property and the surrounding lands and was not warranted.

CONCLUSIONS:

1. That the land under application has high agricultural capability and is appropriately designated as ALR.
2. That the land under application is highly suitable for agricultural use.
3. That the proposal will adversely 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 Miles
SECONDED BY: Commissioner Johnson

THAT the application be refused.

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 363/2011