



Agricultural Land Commission
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December 18, 2012

ALC File: #52743

Fernando Costa
190 Front Street
Nanaimo, BC
V9R 0B1

Dear Mr. Costa:

Re: Application to Conduct Non-Farm Uses in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #457/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #457/2012
cc: Regional District of Nanaimo (File: PL2012-045)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 21, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52743.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
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PROPOSAL

- 1) To construct an additional dwelling on the property for use by an employee; and
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)
- 2) To establish a pallet building and repair business.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land

Capability Classification for Agriculture in B.C.' system. The improved BCLI ratings applicable to the subject property include Classes O3WD, 3AF, 5A, and 4AP:

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Limitations: (O) organic soils, (W) excess water, (D) undesirable soil structure, (A) soil moisture deficiency, (P) stoniness, and (F) low fertility.

Conclusion:

The property has good agricultural capability.

2. Additional residences generally have two negative effects on the agricultural land base. Firstly, they require land for the dwelling, yard, septic field and access. Secondly, additional dwellings increase the residential density of a property and the surrounding agricultural area. The Commission notes there are small non-ALR lots in the area designated for residential use.

Conclusion:

The applicant has not provided any agricultural rationale for the second dwelling. Furthermore, as there is no agricultural activity being undertaken on the property, no argument can be made regarding the need for farm worker housing.

3. The proposal for the pallet business could be carried out on lands outside of the ALR on parcels that are not designated for agricultural priority.

Conclusion:

The proposal for non-farm use is inconsistent with objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dempsey

THAT the request be refused.

CARRIED

Resolution #457/2012