



Agricultural Land Commission
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January 30, 2017

ALC File: 55410

Rodney Edwards
16178 14A Avenue
Surrey, BC V4A 9R3

Dear Mr. Edwards:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #22/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

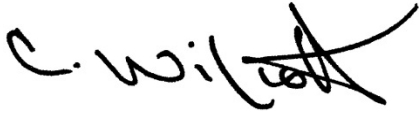
- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott, MCIP, RPP
Land Use Planner

Enclosure: Reasons for Decision (Resolution #22/2017)

cc: Regional District of Nanaimo (File:PL2016-096) Attention: Stephen Boogaards, Planner

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AGRICULTURAL LAND COMMISSION FILE 55410

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Rodney Edwards
Laurie Kallin
(the “Applicants”)**

Agent:

**Rodney Edwards
(the “Agent”)**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 006-258-671

That Part of Lot 1, District Lot 35, Wellington District, Plan 3225, Lying Southerly of a Line Drawn Parallel to and Perpendicularly Distant 2.645 Chains Northerly from the Southerly Boundary of Said Lot.

(the "Property")

[2] The Property is 4.8 ha in area.

[3] The Property has the civic address 6617 Doumont Road, Nanaimo.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the Property as bisected by Doumont Road into two lots of 1 ha and 3.8 ha (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

- 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Relevant application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] The Regional District of Nanaimo (the “RDN”) Board Policy B1.8 includes a standing resolution for subdivision applications in the ALR as follows:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.

[11] In addition RDN Board Policy B1.8 provides an opportunity for the Agricultural Advisory Committee to review and provide comment on ALR application. At its meeting of August 26,



2016, the Regional District of Nanaimo's (RDN) Agricultural Advisory Committee recommended that the RDN's board that the application "*be forwarded the to the Agricultural Land Commission with a recommendation to not approve the subdivision within the ALR*".

[12] The Panel reviewed three relevant applications relating to the Application:

Application ID: 37847
Legacy File: 24352
(Barr, 1990)

To construct a second dwelling on an 8.5 ha parcel. The Commission noted that the parcel was split by Doumont Road and that the existing dwelling is located west of the road and the second dwelling would be constructed east of the road. The application was approved by ALC Resolution #1147/90.

Note: Application 37847 is directly adjacent to the Property.

Application ID: 495
Legacy File: 28050
(Petschauer, 1993)

To exclude the 17 ha property from the ALR to facilitate subdivision into two lots along Doumont Road. The Commission felt that a portion of the property warranted retention in the ALR. It was noted that the applicant appeared to be eligible for consideration under the ALC's *Homesite Severance Policy*. The application was refused by ALC Resolution #766/93.

Reconsideration Request

The Commission received a request dated October 24, 1993, from the applicant to reconsider Resolution #766/93. The request for reconsideration asked that the Commission consider allowing a subdivision pursuant to the ALC's *Homesite Severance Policy* along Doumont Road. The Commission reviewed the request in light of the original decision and approved the subdivision, subject to the provisions of the *Homesite Severance Policy* by ALC Resolution #256/94.



Note: Application 495 is located in the area to the north of the Property.

Application ID: 2216
Legacy File:28946
(Skelding, 1994)

To subdivide a 0.8 ha lot from the 4.07 ha property for the purpose of donating it to Vancouver Island Community Services for a small farm project. The application was approved by ALC Resolution #626/94.

Note: Application 2216 is directly adjacent to the Property.

SITE VISIT

[13] On November 16, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 22, 2016 (the "Site Visit Report").

FINDINGS

[15] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.030 for the mapping units encompassing the Property are approximately 75% (5PA), 20% (3PA), and 5% (7TR).

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

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are A (moisture deficiency), P (stoniness), R (shallow soil over bedrock and/or bedrock outcroppings, and T (topographic limitations).

[16] The Panel reviewed the BCLI ratings and find the Property has good agricultural capability and in its present size could support a range of agriculture.

[17] The Panel reviewed the RDN staff report and noted that the Proposal is not supported by the Regional Growth Strategy which discourages the subdivision of agricultural land, and will also require a relaxation to the road frontage requirements under the *Local Government Act* as well as possible variances to the RDN's Zoning Bylaw.

[18] The Panel reviewed the relevant subdivision applications listed in paragraph 12 and noted that a significant amount of time has passed since those specific applications were reviewed by the Commission and that they were either approved under the *Homesite Severance Policy* or an agricultural related use.

[19] The Panel finds that the Property is more farmable as a single parcel and that the road is not an impediment to farming the Property as a whole. The Panel feels that the Property is more viable as an agricultural unit, now or in future, in its current configuration and, as such, the Panel is not amenable to subdividing the land as there is no agricultural benefit.

[20] In light of the Panel's reluctance to subdivide, the Panel notes that there are other options to develop a second dwelling on the Property. The options include: a secondary suite in the existing dwelling, and either one manufactured home, up to 9 m in width (double wide), for use by a member of the owner's immediate family, or, accommodation that is constructed above an existing building on the farm and that only has a single level. Please note: the dwelling above an existing building option requires the Property to hold farm status under the *Assessment Act*.

DECISION

[21] For the reasons given above, the Panel refuses the Proposal.

[22] 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.

[23] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[24] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[25] This decision is recorded as Resolution #22/2017 and is released on January 30, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left, positioned above a horizontal line.

Jennifer Dyson, Panel Chair, on behalf of the Island Panel

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