



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: S-36884

June 16, 2008

J E Anderson and Associates  
1B-3411 Shenton Road  
Nanaimo, BC V9T2H1

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 321/2008 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 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

cc: Regional District of Nanaimo (6635-04-0608)  
Les Hunter (4180 Island Hwy North, Nanaimo V9T 1W6)

Enclosure: Minutes

TK/  
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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on June 9, 2008 by conference call.

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff

### For Reconsideration

Application: # S- 36884  
Applicant: David Buck  
Agent: J E Anderson and Associates  
Proposal: To reconsider the original decision and subdivide the property into a 2.25 ha and 5.9 ha lot.  
Legal: PID: 026-522-489  
Location: Lot 14, Section 14, Range 4, Mountain District, Plan VIP80079  
3210 Jingle Pot Road, Nanaimo

### Site Inspection

No site inspection was conducted.

### Reconsideration request

The Commission determined that reconsideration was warranted under Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on the submission of information which was not available at the time of original consideration by the Commission.

### Discussion

The Commission reviewed the letter of request for reconsideration and the supporting documents, including the revised subdivision plan for a 2.25 ha lot in the westernmost portion of the property, the Land Capability Assessments prepared by Madrone Services (February 5, 2008 and April 9, 2008)

The Commission accepted the findings from Madrone Services that the property had agricultural capability of Class 3 to Class 5, and that the westernmost portion of the property had an unimprovable agricultural rating of Class 5P(stoniness) and Class 3T(topography).

The Commission recognized the variation in agricultural capability on the subject property and that the 2.25 ha proposed lot had lower agricultural capability. However, the Commission was of the view that the subject parcel had more agricultural value as a single unit. It believed that the current size would maximize the agricultural potential of the property. It was noted that should the property be put into production in the future, the area proposed for subdivision could be used for farm buildings or for grazing.

Further, the Commission considered the 30-meter wide restrictive covenant (EX159197) that had been registered on the title of the property and the location of the pipeline (SRW ED14447); however it did not find these factors to be a significant impediment to the use of the property as an agricultural unit.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believed the proposal would encourage further parcelization of ALR properties in the area and may negatively impact existing or potential agricultural use of surrounding lands.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

**IT WAS**

**MOVED BY:** Commissioner Craven

**SECONDED BY:** Commissioner Dyson

THAT the original decision to refuse the application (Resolution #565/2006) be confirmed.

**CARRIED**

**Resolution # 321/2008**