



Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: S-38843

April 16, 2009

Heather Vallance, Taimi and Sakari Rautiainen, Paul Sarginson
2450 Whistler Road West
Qualicum Beach, BC V9K2A6

Dear Sir/Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 105/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo (6635 02 0802)

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A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009, B.C.

PRESENT: Lorne Seitz Chair, Island Panel
David Craven Commissioner
Jennifer Dyson Commissioner
Roger Cheetham Staff

For Consideration

Application: # S- 38843
Applicant: Heather Vallance, Taimi and Sakari Rautiainen, Paul Sarginson
Proposal: To exclude the 7.0 ha property.
Legal: PID: 004-738-721
Lot 6, District Lot 81, Newcastle District, Plan 8857
Location: 2450 Whistler Rd West, Qualicum Beach

Site Inspection

A site inspection was conducted on March 26th, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Roger Cheetham Staff
- Sakari Rautiainen Applicant
- Catherine Orban P.Ag

The Commissioners met with the applicant and Catherine Orban, P.Ag, and walked the property. Ms. Orban explained the findings of her report and noted that overall the property had low agricultural capability.

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 Agricultural Capability

The Agricultural Capability Assessment prepared by Catherine Orban, P.Ag., which was submitted with the application concluded that the majority of the subject property (58%) has unimprovable agricultural capability of Class 5 and 23% has unimprovable agricultural capability of Class 7. The remainder of the property is Class 4 (8%) and Class AN (anthropogenic alteration), which includes housing structures, etc on the property (11%).

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission accepted the findings of the agricultural report, and recognized that the agricultural capability of the property is marginal.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Although the Commission recognized the limited agricultural capability of the subject property, the subject property is within a large block of Agricultural Land Reserve (ALR) lands and exclusion in the middle of this block may negatively impact the existing or potential agricultural use of surrounding properties. Further, exclusion of the subject property may encourage the parcelization or erosion of ALR lands in the area.

Assessment of Other Factors

It was noted that the applicants included several subdivision proposals to consider in their application, if exclusion was found to be unwarranted. The Commission considered the subdivision proposals, however was of the view that subdivision of the property in any circumstance would have a negative impact on agriculture in the long-term.

The Commission also noted that the applicants bought the property in 2006. The applicants presumably were aware that the property was within the ALR when it was acquired, and as such that it was deemed by the Province to be part of its land base for the long-term agricultural requirements of BC.

The Commission has, of necessity, adopted a long term approach to the problem of preservation of agricultural land. Agricultural land is not defined on the basis of present use or parcel size. Nor does the Commission consider current market conditions to be a determining factor in its decisions. The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that neither exclusion or subdivision of the subject property were in keeping with that mandate.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Craven

THAT the application be refused as proposed.

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.

CARRIED
Resolution # 105/2009