



Agricultural Land Commission
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13th January 2010

Reply to the attention of Gordon Bednard
ALC File: 51007

McElhanney Associates
Suite 1-1351 Estevan Road
Nanaimo, BC
V9S 3Y3

Dear Sir/Madam:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1865/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo

rc/
i/50603d1

Discussion

Assessment of 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 subject property based on 1:20 000 soil capability mapping undertaken by the Ministry of Environment is rated as Class 5 with soil moisture deficiency and in the eastern half also stoniness limitations. It is rated improvable to Classes 2 and 3 with similar limitations. The Commission's site inspection indicated that the improved ratings appear to have been achieved over much of the farm.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

Assessment of 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. The Commission did not believe that there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that the subdivision of the property would reduce its agricultural potential and would separate existing farm buildings and potential irrigation ponds from the areas at present under hay thus encouraging further development in this area. The Commission also noted that it has previously refused a subdivision request on the property in 1982 and that the property is located in an area with generally high agricultural potential. It considered that an approval of the subdivision could encourage further subdivision requests in the area.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will 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 L. Seitz
SECONDED BY: Commissioner N. Holbek

THAT the applications 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 1865/2009