



Agricultural Land Commission
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May 12, 2010

Reply to the attention of Gordon Bednard
ALC File: #51590

Ministry of Transportation and Infrastructure
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

Attention: Doug Beaumont:

Re: Application for Transportation Corridor in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2269/2010 outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Alberni Clayoquot Regional District Attn: Planning Department

GB/iv
/51590d1

Subclasses

D undesirable soil structure
T topography

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 is concerned that the widening of the road would increase traffic and could make crossing the road with farm equipment more problematic. The Commission did not feel the widening of the bridge culvert and approaches would have any negative impact on farm operations.

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 Niels Holbek
SECONDED BY: Commissioner Jennifer Dyson

THAT the application be refused as submitted but would allow the widening of the culvert and approaches to the bridge over Nook Creek.

AND THAT the approval is subject to the following conditions:

- The Commission must receive and approve specific drawings for the bridge culvert and approach widening aspect of the application.
- The bridge widening project must be completed within three (3) years from the date of this decision.

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 # 2269/2010