



Agricultural Land Commission
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May 12, 2010

Reply to the attention of Gordon Bednard
ALC File: #51600

Peter Irlam
2311 Fowler Road
Qualicum Beach, BC
V9K 2A5

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2433/2010 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Nanaimo Regional District (PL2010-001)

GB/lv
/51600d1



A meeting was held by the Provincial Agricultural Land Commission on March 16, 2010.

PRESENT:	Erik Karlsen	Chair
	Niels Holbek	Commissioner
	Jennifer Dyson	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: # 51600
 Applicant: Geni Irlam
 Agent: Peter Irlam
 Proposal: Subdivision of subject 7.9 ha property into 3 equal lots
 Legal: Lot 29, District lot 81, Newcastle District Plan 1967
 Location: 3211 Fowler Road, Nanaimo RD

Site Inspection

A site inspection was conducted on March 16, 2010. Those in attendance were:

- Erik Karlsen Chair
- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff
- Peter Irlam Agent

The Commission walked a portion of the property and discussed the application with the agent.

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

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 is

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

Subclasses

A	soil moisture deficiency	P	stoniness
D	undesirable soil structure		

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 does not believe there are external factors that render the land unsuitable for agricultural use. This property is located in a substantially rural area, amongst properties of similar size. One small lot residential development which pre-dates the ALR, is located to the west.

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 generally reluctant to subdivide ALR land as its experience has been that smaller parcels tend to be used for non-farm purposes, which often leads to conflicts with lands remaining in farm use. The Commission also considers that uniform farm landscapes are rare; that most farm properties exhibit a variety of soil types and capabilities. In itself, this variability of agricultural potential is not a reason for subdivision of land, as the less capable areas of a farm can be used for farm buildings, winter pasture, farm dwellings, equipment storage and non-soil based agriculture. Subdivision of the subject property would alienate potentially usable land from the area with the prime agricultural capability rating, and thereby would impact existing or potential agricultural use of the subject land. The Commission considered that there was no demonstrable benefit to agriculture by allowing the proposed subdivision.

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 Jennifer Dyson
SECONDED BY: Commissioner Niels Holbek

THAT the application be refused for the above reasons.

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 # 2433/2010