



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

January 27, 2011

Reply to the attention of Gordon Bednard  
ALC File: #51909

Helen Sims  
Fern Road Consulting Ltd  
Box 405  
Qualicum Beach, BC V9K 1S9

Attention Helen Sims:

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

Please find attached the Minutes of Resolution # 29/2011 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a light blue horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Nanaimo Regional District Attn: Angela Buick (file # PL2010-127)

GB/eg  
/51909d1



**A meeting was held by the Provincial Agricultural Land Commission on January 18, 2011 at Salt Spring Island, BC.**

<b>PRESENT:</b>	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Gordon Bednard	Staff
	Roger Cheetham	Staff

### **For Consideration**

Application: #51909  
Applicant: WR Addison Lumber Co.  
Agent: Helen Sims  
Proposal: Subdivision of 58 ha property as divided by Inland Island Highway  
Legal: Lot5, DL 90, Newcastle District Plan 1874 EXC VIP57077 and VIP57998  
Location: Island Highway at Horne Lake turnoff.

### **Site Inspection**

A site inspection was conducted on November 25, 2011. Those in attendance were:

- Richard Bullock Chair
- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Jerry Thibeault Commissioner
- Gordon Bednard Staff
- Helen Sims Agent

The Commission had viewed the property from the Inland Island Highway and then met with the agent, Helen Sims to discuss the application.

### **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 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.

#### 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.

#### Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the Commission is not generally supportive of the subdivision of agricultural lands, it recognizes the difficulty inherent in a property owner attempting to use the land as one unit, when the property is divided by a significant barrier such as the Inland Island Highway. The subdivided lots on their own will be large parcels, with good agricultural capability, which could be developed into a wide variety of agricultural operations. For this reason, the Commission does not believe this specific proposal would impact existing or potential agricultural use of the subject property, or surrounding lands.

#### 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 not impact agriculture.

#### IT WAS

**MOVED BY:** Commissioner Jennifer Dyson  
**SECONDED BY:** Commissioner Niels Holbek

THAT the application be approved as proposed.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 29/2011**