



Agricultural Land Commission
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January 12, 2011

Reply to the attention of Gordon Bednard
ALC File: #51910

Deborah Jensen
Planning Works Consulting Group
5710 Vanderneuk Road
Nanaimo, BC V9T 5H4

Dear Ms. Jensen:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 4/2011 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo Attn: Angela Buick (PL2010 – 143)

GB/
/51910d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 25, 2010 at Qualicum Beach, BC.

PRESENT:	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Jerry Thibeault	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51910
 Applicant: Alan and Zeta Wall
 Agent: Deborah Jensen
 Proposal: Subdivision into two or three parcels
 Legal: DL 61 Nanoose District exc. Plans 13497, 18241, 21985, 29969, 49980
 Location: Errington, RDN

Site Inspection

A site inspection was conducted on November 25, 2010. Those in attendance were:

- Richard Bullock Chair
- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Jerry Thibeault Commissioner
- Gordon Bednard Staff
- Mrs Zeta Wall Applicant

The Commission viewed the property from the area around the Wall home off Braddock Road. The Commission considered that there appeared to have been little improvement of an agricultural nature to the land. It also noted that preservation of the wetland as reflected in the concerns of the applicants might be considered in conflict with potential use of the property for agriculture. This is especially true if the wetland area were to be cleared and the available water used for agricultural purposes (eg: irrigation or cattle watering). While the Commission acknowledges that the wetland area in its present state is a limitation to agricultural use of the property, overall, the Commission was not convinced that subdividing the property would lead to an increase in potential for agricultural development.

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 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
T	topography
IW	excess water

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. As stated above, the Commission does not see the subdivision of the property as enhancing future agricultural development of this property, or adjacent 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 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, 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.

CARRIED

Resolution # 4/2011