



Agricultural Land Commission
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May 16, 2011

Reply to the attention of Gordon Bednard
ALC File: #51922

Brian Gaudet
2-4300 Shearwater Drive
Abbotsford, BC V3G 2Y3

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 181/2011 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 the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo Attn: Elaine Leung file #PL 2010-095

GB/eg
/51922d1



A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 at Campbell River, BC.

PRESENT:	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Denise Dowswell	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51922
 Applicant: 0758824 BC Ltd (Jake Bergen)
 Agent: Brian Gaudet
 Proposal: Subdivide 5 small rural residential lots from the three farm properties
 Legal: 1) Rem Lot A, (DD27360N)DL 8 Newcastle Dist, Plan 1949
 2) Lot 2, DL 8 and 91 Newcastle District, Plan 13354
 Location: Inland Island Highway at Hilliers Road

Site Inspection

A site inspection was conducted on March 8, 2011. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Jake Bergen Owner
- Brian Gaudet Agent
- Chris and Jamie Bergen (owner's sons)

The Commission toured the properties with the applicant, his sons and the agent and noted that a portion of the area proposed for four lots (NW corner of Lot A) was covered with trees/scrub bush and saw limited use as part of the farm operation. As well, the Commission noted the location of the fifth lot along Hilliers Road was proposed as an "infill" lot between two lots of similar size to the north and south.

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	W	excess water

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Subclasses

W	excess water
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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 that at present there are external factors that render the land unsuitable for agricultural use, and is concerned that creation of the lots as proposed could introduce such external factors.

Assessment of Impact on Agriculture

The Commission believes that the creation of residential lots in the NW corner of the subject lands, and thereby the introduction of residential impact immediately adjacent (and jutting into) the farm property, would lead to conflicts between land uses which are often incompatible.

Assessment of Other Factors

The Commission reviewed the applicant's proposal and discussed the potential benefit to agriculture of allowing subdivision of one lot along Hilliers Road in exchange for consolidation of two of the larger farm properties.

Conclusions

1. That the proposal will negatively impact agriculture.
2. That the proposal is therefore inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Jennifer Dyson
SECONDED BY: Commissioner Denise Dowswell

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 # 181/2011