



Agricultural Land Commission
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January 26, 2011

Reply to the attention of Gordon Bednard
ALC File: #51935

Rob Howat
3380 Rock City Road
Nanaimo, BC V9T 4Y8

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 24/2011 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Capital Regional District Attn; Planning/Development Services

GB/iv
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A meeting was held by the Provincial Agricultural Land Commission on December 7, 2010 at Qualicum Beach, BC.

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

For Consideration

Application: #51935
 Applicant: McLeod Industries
 Agent: Rob Howat
 Proposal: Construction of access road through the ALR (0.4 ha)
 Legal: NE ¼ and SE ¼ Section 12, Twp 11, Renfrew District EXC Plan VIP79251
 Location: Port Renfrew, Capital RD

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

Subclasses

R	shallow soil / bedrock outcroppings
T	topography
X	cumulative and minor adverse

Note: the area of the ALR portion of the property appears to fall mostly in the 2x area.

Assessment of Agricultural Suitability/Impact

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 is a rural area and there are no significant non-farm developments adjacent to the ALR area. This being said, should the proposal be approved and a road developed for access to lands beyond (thereby cutting the ALR portion in two), this will certainly be an impediment to any future farm development potential of the ALR portion of the property. As well, any non-farm development of the non-ALR portion of the property may potentially diminish the farm development of the ALR portion by introducing conflicting land use into the area.

In general, the Commission is not supportive of the use of ALR land for access to non-ALR lands beyond.

Assessment of Other Factors

In reviewing the application the Commission noted that the majority of the subject lands lie outside the ALR and it would appear that alternate routes for the proposed road that do not impact the ALR are available.

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 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 # 24/2011