



Agricultural Land Commission
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January 26, 2011

Reply to the attention of Gordon Bednard
ALC File: #51958

Josephine Lennox
745 Arden Road RR #2
Victoria, BC V9C 4G2

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 25/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Metchosin (3260-10-01)

GB/lv
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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: #51958
Applicant: Josephine Lennox
Agent: none
Proposal: Boundary adjustment of 4 lots
Legal: PID's 028-042-581, 017-564-638, 017-564-620, 011-143-123
Location: Arden Road, Metchosin

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.

Subclasses

X cumulative and minor adverse

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. The property is surrounded by large-lot rural residential lands on two sides

and roads on the other two. It is apparent that agriculture has been practiced on the property in the recent past.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. As proposed, the boundary adjustment would do little to enhance the agricultural use of the majority of the lands under application, beyond making one lot (which is mostly used for hay production) slightly larger.

Conclusions

1. 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 as presented. However, the Commission would be willing to reconsider the application if

- 1) the proposal was to include a reduction in the overall number of lots (consolidation of properties) or;
- 2) the proposal presented a reconfiguration of the property boundaries such that the majority of the farmable land was consolidated on one lot.

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 # 25/2011