



January 12, 2011

Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: #51969

Tina Mihoc
101 – 3720 West 8th Avenue
Vancouver, BC V6R 1Z3

Dear Ms Mihoc:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 6/2011 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 (2010-156)

GB/
/51969d1



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: #51969
Applicant: Frank Mihoc
Agent: Tina Mihoc
Proposal: Subdivision of either one or two lots from the southern 4 ha of the 12 ha subject property
Legal: Lot 24, DL 81, Newcastle District Plan 1967 Exc Plans 25929 and 37892
Location: Old Island Highway, near Qualicum Beach

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
Frank Mihoc	Applicant
Tina Mihoc	Agent

The Commission met onsite with the applicant and his agent. The Commission discussed the nature of the application with those present and were led on a tour of the property and farm improvements which have been made by the applicant. The tour included the area of the proposed subdivision (one or two lots) on the south end of the property.

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

The Commission considered the following with regard to the agricultural capability of the property in the course of reviewing this application;

- 1) BCLI mapping available for the RDN area at 1: 20,000 scale
- 2) Madrone Consultants report prepared in support of an application for subdivision by a previous owner
- 3) Muchowski Agricultural Capability Assessment prepared in support of the present subdivision application

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 is familiar with the area surrounding the subject property and notes that the property is located within a block of substantially rural lands designated as ALR. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Other Factors

The Commission reviewed the information contained in the application, including the attached Written Submissions. The Commission also recalled and discussed its observations made during the tour of the property.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR. Furthermore, the Commission considered that the proposal would not be in the best interest of agriculture as approval would, in its view, negatively impact agriculture in the long term.
2. Therefore, the Commission concluded that the proposal is inconsistent with the objectives of the *Agricultural Land Commission Act*.

IT WAS

MOVED BY: Commissioner Jerry Thibeault

SECONDED BY: Commissioner Niels Holbek

THAT the application be refused.

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 # 6/2011