



Agricultural Land Commission
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January 12, 2011

Reply to the attention of Gordon Bednard
ALC File: #51988

Blackjack Farms Ltd.
6767 Doumont Road
Nanaimo, BC V9S 5N7

Attention: Armand Caillet

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 3/2011 outlining the Commission's decision as it relates to the above noted application.

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: Regional District of Nanaimo Attn: Angela Buick (PL2010-171)

GB/
/51988d1



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: #51988
Applicant: Blackjack Farm Ltd
Agent: A.E. Caillet
Proposal: Subdivide a 0.4 ha lot from the parent parcel, for the use of the owner. One of the present dwellings would be removed and a new residence built, the other existing residence would be converted to accessory uses.
Legal: Lot B, DL 21, Wellington District, Plan VIP83900
Location: Biggs Road, RDN

Site Inspection

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

- Richard Bullock Chair
- Jennifer Dyson Commissioner
- Niels Holbek Commissioner
- Jerry Thibeault Commissioner
- Gordon Bednard Staff
- Allan Caillet (son of applicant)

The Commission arrived at the property early, and due to weather conditions (snowing) were not able to stay at the property until the arrival of the applicant who lives off-site. The Commissioners were shown the area proposed for the new lot by the applicant's son, and the Commission noted the presence of two dwellings on that area.

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 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
D undesirable soil structure
W excess water

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission is not generally supportive of subdivisions to create residential lots in farming areas. While the area proposed for subdivision has been used in the past for residential purposes, those residential uses were associated with farm activity on the balance of the property. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands (the remainder of the subject property and adjacent farmlands) by the introduction of a residential-sized lot in an area substantially used for farm purposes. It is the experience of the Commission that such residential intrusion inevitably leads to conflict between residents and farmers, and thereby makes farming more difficult.

While it is recognized that in this situation, the intended resident is a retiring farmer, there is no assurance that future residents will be in any way compatible with life in a farm environment. The Commission noted that the applicant has been granted allowances in past to facilitate his retirement, estate planning, and farm succession needs, and that the owner does not live on the property.

Conclusions

1. That the proposal will impact agriculture.
2. 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 Jerry Thibeault

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 # 3/2011