



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 28, 2011

Reply to the attention of Gordon Bednard
ALC File: #52029

Timberlake – Jones Engineering
PO Box 89
201 - 177 Weld Street
Parksville, BC V9P 2G3

Attention: Michelle T Jones

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 33/2011 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: Lainya Rowett (file PL2010-191)

GB/eg
/52029d1



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: #52029
Applicant: 373019 BC Ltd
Agent: Timberlake-Jones Engineering
Proposal: Subdivision into 5 lots of 2.4 ha each
Legal: Lot 6, District lot 12, Nanaoose District, plan 30913
Location: Corfield Street, near Parksville, RDN

Site Inspection

A site inspection was conducted on December 7, 2010. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Gordon Bednard Staff

The Commission viewed the property from both Corfield road and Meadowview Place. It should be noted that Commissioner Holbek is familiar with the property having been a member of the Commission which inspected the property previously and adjudicated on two previous applications for exclusion of the above 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

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

- A soil moisture deficiency
- D undesirable soil structure
- W excess water

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. There are a limited number of residences to the north and a road to the west which acts as a buffer.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. This property has prime agricultural capability and is located next to other agricultural lands on two sides. The Commission is not generally supportive of subdivision of good agricultural lands as it tends to increase residential/agricultural conflicts. The Commission believes the proposal would negatively impact existing or potential agricultural use of the subject and surrounding lands.

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 Jennifer Dyson
SECONDED BY: Commissioner Niels Holbek

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 # 33/2011