



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

May 16, 2011

Reply to the attention of Gordon Bednard
ALC File: #52081

Leroy Ward
PO Box 582
2038 Pierspont Road
Coombs, BC V0R 1M0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 182/2011 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 file # PL2010-204

GB/eg
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 7, 2011 at Parksville, BC.

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

For Consideration

Application: #52081
Applicant: Leroy Ward
Agent: n/a
Proposal: Subdivide a 4.0 ha lot from the 13.7 ha property
Legal: Lot A, DL 148, Nanoose District Plan 44480
Location: Burgoyne Road, Coombs BC

Site Inspection

A site inspection was conducted on March 7, 2011. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Nicole Muchowski PAg (representing owner)

The Commission toured the property and viewed the area proposed for subdivision as a 4 ha lot. The Commission discussed the agricultural capability with the agrologist who attended the onsite inspection. The Commission recalled that it had refused an earlier (2006) proposal by the same owner to subdivide a lot from this subject 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 (BCLI mapping) 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 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

- A soil moisture deficiency
- P stoniness
- D undesirable soil structure

Ratings according to the Muchowski report is mainly class 5AP with some smaller areas of class 3T and 4AP.

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 located in an area of mainly rural residential and farm properties, similar in size and agricultural capability to the subject. The only exception to this is some large lot residential lands to the south, on the non-ALR lands. The Commission also notes that to the north of the subject property are lands with agricultural capability ratings similar to the subject property which have been cleared and are developed for agriculture.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission is generally not supportive of the subdivision of lands in the ALR as that tends to reduce future agricultural options. In the Commission's experience, lands with less than prime capability often require larger areas to be successfully farmed and subdivision of such lands may preclude or limit future agricultural endeavours. The Commission believes, therefore, that the subdivision proposal would impact existing or potential agricultural use of the subject and surrounding lands.

Conclusions

1. That the land under application has sufficient agricultural capability to warrant its retention in the ALR at its present size, and that the land is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.
4. That therefore 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 # 182/2011