



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 10, 2011

Reply to the attention of Gordon Bednard
ALC File: #52176

Terry and Linda Budzak
1244 Allgard Road
Qualicum Beach, BC V9K 2G4

Dear Sir and Madam:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 175/2011 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 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Nanaimo Regional District Attn: Elaine Leung file # PL2011-008

GB/eg
/52176d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 at Campbell River, BC.

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

For Consideration

Application: #52176
Applicant: Terry and Linda Budzak
Agent: n/a
Proposal: Subdivide a 2.2 ha lot from the 7.7 ha parcel
Legal: Lot A, DL 76, Newcastle District Plan VIP74503
Location: Allgard Road, Nanaimo RD

Site Inspection

A site inspection was conducted on March 8, 2011. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Terry and Linda Budzak Applicants

The Commission toured the property and noted the topographic constraints on the southern portion of the land (steep slope to Qualicum River floodplain). The Commission also noted the existence of a second dwelling on the property which was used for the parents of the applicants (presently vacant). Finally, the Commission recalled a previous application from the present owners requesting exclusion of the property from the ALR which was considered and refused in the early 90's.

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 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- 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.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- T topography

Note: while the land has a wide range of agricultural capability ratings, the area under application for subdivision is rated 80% class 3 A and 20% class 5A (generally considered as prime land). The area of class 7T is a steep slope which divides the property with the upland terrace being mainly class 3 and the floodplain along the river being class 1 and 2.

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 large-lot rural residential and resource lands which would not create land-use conflicts with agricultural use. The Commission acknowledges that a portion of the property has severe topographic limitations, however, taken as a whole, the Commission believes the property could be managed for a wide range of agricultural uses.

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 not generally supportive of the subdivision of lands with the capability to be used or developed for agriculture. Such subdivided properties tend to be dedicated to residential uses only, which may have long term impacts on the ability to farm the remainder. Therefore the Commission believes the present proposal would impact existing or potential agricultural use of the subject property and surrounding lands.

Assessment of Other Factors

It was noted by the Commission that the owners appear not to have attempted agricultural development of the subject property.

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 negatively 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 # 175/2011