



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

November 15, 2011

Reply to the attention of Jennifer Carson
ALC File: 52390

H & F Ventures Ltd.
#4-1080 Industrial Way
Parksville, BC
V9P 2W8

Dear Mr. Heringa:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **366/2011** 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 blue ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, B. C. , V9T 6N2
(PL2011-099)

JC/
52390d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Chair
Richard Bullock	Commissioner
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Roger Cheetham	Regional Planner
Terra Kaethler	Land Use Planner
Jennifer Carson	Land Use Planner

APPLICATION ID: #52390

PROPOSAL: To create 4 parcels of approximately 2.0 ha each. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID:	009-438-734
Legal Description:	Block 668, Nanoose District, EXCEPT Those parts in Plans 33913, 36480, 36481, and VIP62598 and VIP87327
Civic Address:	Nanoose Creek drainage in Electoral Area E - Matthew Rd.
Size:	9.5 ha
Area in ALR:	9.5 ha
Current Land Use:	vacant, treed, well and approved septic. No agricultural use.
Farm Classification: (BC Assessment)	No

PROPERTY OWNER INFORMATION: H & F Ventures Ltd.

DATE PROPERTY ACQUIRED: September 2010

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 23, 2011 following which a report was prepared. The site inspection meeting report was approved by the agent on October 11, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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 majority of the property is identified as having improved agricultural capability ratings of:

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		

Smaller areas of the property are identified as having agricultural capability ratings of:

The agricultural capability of the soil of the subject property is

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

P	stoniness	T	topography
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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. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Other Factors

The Commission discussed all of the previous decisions on the property. The applicants have submitted two previous applications (in 2003 and 2006) for subdivision of the subject property. The first (34466) was given partial approval, in which the Commission approved of 5 lots with a 9.5 ha remainder (Resolution #123/2003). The Commission was of the view that the remainder consisted of land with better agricultural capability and suitability and as such was more appropriate in one large parcel. A request for reconsideration was made by the applicant and the Commission's decision was upheld. The second application (36863) was refused by the Commission as the Commissioners who visited the property indicated that the property had significant agricultural potential. It also mentioned that the 5 lots approved under the previous application (Resolution #123/2003) constituted the maximum number of parcels that the property could be subdivided into without reducing its agricultural potential.

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 Miles
SECONDED BY: Commissioner Bullock

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 366/2011