



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

April 3, 2012

Reply to the attention of Jennifer Carson  
ALC File: #52532

William Taylor  
2452 Hemer Road  
PO Box 144  
Cedar, BC  
V9X 1J3

Dear Mr.:

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

Please find attached the Minutes of Resolution # **127/2012** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Nanaimo Regional District,  
Robin & Sharon Taylor, 1813 Rugg Road, Nanaimo, BC V9X 1J3

JC/  
52532d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION ID: #52532

**PROPOSAL:** To subdivide the 14.4 ha property along the railway into two parcels of approximately 8.0 ha and 6.4ha. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

**Parcel ID:** 004-946-855  
**Legal Description:** Section 14, Range 2, Cedar District, Except the Westerly 60 Acres Thereof, and Except Parcel B (DD 6974N) of said section  
**Civic Address:** 2752 Hemer Road & 1813 Rugg Road, Cedar  
**Size:** 14.4 ha  
**Area in ALR:** 14.4 ha  
**Property Owner(s):** Robin, Sharon and William Taylor

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### 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 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 4 – Land in this class has limitations that require special management practices or severely 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

R shallow soil / bedrock outcroppings  
W excess water

#### 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. Furthermore, the Commission believes that this property has more agricultural utility as a single property. The Commission agreed in previous application that it would be a good location for a second dwelling, however does not believe that a subdivision of this property is suitable.

#### Other Factors

The Commission noted that the rail right of way is not a functioning railway, and as a trail it does not constitute a barrier to farming the property as a unit.

#### 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 in its current size.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

#### IT WAS

**MOVED BY:** Commissioner Dyson  
**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.

**CARRIED**  
**Resolution # 127/2012**