



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

April 10, 2012

Reply to the attention of Jennifer Carson
ALC File: #52553

Doug Holmes
JE Anderson & Associates
1A-3411 Shenton Road
Nanaimo, BC V9T 2H1

Dear Mr. Holmes:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **124/2012** 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: RDN (PL2011-105)

JC/
52553d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

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
Roger Cheetham	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52253

PROPOSAL: To subdivide the 1.2 ha property into two parcels of 0.4 ha and 0.8 ha under the Homesite Severance Policy. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID:	006-636-543
Legal Description:	Lot 8, Block 6, Section 16, Range 1, Cedar District, Plan 2041
Civic Address:	Canin Road and Walsh Road, Cedar
Size:	1.2 ha
Area in ALR:	1.2 ha

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.

Subclasses

M soil moisture deficiency P stoniness

Agricultural Suitability

The Commission noted that in a previous subdivision application, which it refused, the Commission indicated that it would not permit subdivision of the property as it had more utility for agriculture in its present size.

Other Factors

The Commission noted that under the previous application for exclusion and subsequent request for reconsideration for subdivision instead, made by the late Mr. and Mrs. Heathcote, the Commission notes that within the correspondence between Mr. and Mrs. Heathcote and the Commission, no mention of the Homesite Severance Policy was made. The Commission believes that no consideration was given to the aforementioned policy in its previous deliberations regarding this property. The Commission also notes that Kenneth Heathcote, son of the late Dorothy Heathcote, has lived on the property since before the inception of the ALR and has lived on the property continuously since this time. While the situation presented in the application does not completely qualify for the Homesite Severance Policy, in this particular case, the Commission believes that it could be considered in accordance with the spirit of the policy.

Furthermore, the Commission indicated that it would prefer a smaller parcel for the homesite and as a result would require that the proposed lot be decreased to the minimum parcel size permitted by the Regional District of Nanaimo.

CONCLUSION:

While the land under application has agricultural suitability and capability, the Commission believes that this application can be considered in accordance with the spirit of the Homesite Severance Policy.

IT WAS

MOVED BY: Commissioner Johnson

SECONDED BY: Commissioner Bullock

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- the subdivision be around the house in the southeast corner of the property and not extend past the garage, if this is acceptable to the Regional District of Nanaimo
- the construction of a fence for the purpose of reducing potential conflict between the proposed residential parcel and the remainder.
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 124/2012

ALC Application #52553

 General area approved for subdivision within the spirit of the Homesite Severance Policy

