



**Agricultural Land Commission**  
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April 19, 2007

Reply to the attention of Terra Kaethler  
ALC File: #S-35876

Kabel Atwall  
Khevin Development Services  
4746 Wyne Crescent  
Richmond, BC V6V 2V3

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 116/2007 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:

Erik Karlsen, Chair

cc: City of Parksville (#3370-20-04-02)  
Ermineskin Tribal Enterprises Ltd., Box 219, Hobbema, AB T0C 1N0

Enclosure: Minutes

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on March 15, 2007 in Courtenay, B.C.

**PRESENT:** Lorne Seitz  
David Craven  
Donald Rugg  
Terra Kaethler

Chair, Island Panel  
Commissioner  
Commissioner  
Staff

### For Consideration

Application: # S- 35876  
Applicant: Ermineskin Tribal Enterprises Ltd  
Agent: Kabel Atwall  
Proposal: To give further consideration to an application to exclude from the ALR a 20.6 portion of the subject property, located within the City of Parksville and lying north and east of the E and N Rail line. It is the intent of the applicant to develop the subject area for residential purposes in accordance with the policies and principles laid out in the City of Parksville's OCP and as per the adjacent residential developments.

To the south of the subject area, across the E and N Rail line is that portion of the property that is currently used by the City of Parksville as a Nature Park.

Legal: PID: 001-907-735  
District Lot 16, Nanoose District, EXCEPT Part in Plans 879 OS, 988 BL, 31745, VIP52134 and VIP62665  
Location: The subject property is located within the City of Parksville. The area proposed for exclusion has access via Hirst Avenue, Foxtail Avenue and Despard Avenue.

### Background Information

The Commission first considered this application in April of 2005. The Commission conducted a site inspection and met with the agent of the applicant at that time. In terms of Resolution Number 162/2005 the Commission tabled the application pending a meeting between the respective staffs of the Commission and the City of Parksville to discuss the City's long term land use needs.

That meeting took place on the 7<sup>th</sup> June 2005 and resulted in the staff of the Commission preparing a report, dated 22<sup>nd</sup> June 2005 using information provided by the City of Parksville and the Regional District. The report assessed land availability for residential development in the City of Parksville and surrounding areas. The report was referred to the City and the Regional District for comment but none was forthcoming from either organization. The report formed the background to discussions that it held with the City on 4<sup>th</sup> January 2006. A copy of the report was sent to the applicants under cover of a letter dated 12<sup>th</sup> January 2006 inviting their comments thereon. In reply, the agents for the applicant, Khevin Development Services Ltd., submitted a letter dated 23<sup>rd</sup> February 2006 in which the findings of the staff report are disputed.

In view of the conclusions of the 22<sup>nd</sup> June 2005 staff report that there was no evidence of any overriding community need to use the land for residential purposes the Commission considered it prudent to look closely at the agricultural potential of the property to determine whether or not there was an argument for excluding all or a portion of the property based on poor agricultural potential. Accordingly the Commission sought the opinion of Mr. Wayne Haddow, Regional Agrologist, Ministry of Agriculture with regard to this issue.

A meeting was held 19<sup>th</sup> April 2006 at The Access Centre, 5785 Duncan Street, Duncan. Those in attendance were:

- Commissioners: Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer and Roger Cheetham, Planner
- Ministry of Agriculture Staff: Wayne Haddow
- C & F Land Resource Consultants Ltd. Staff: Brian French, P. Ag.
- Agent: Kabel Atwall

Following statements by Messrs Haddow and French with regard to the agricultural suitability of the application site it was agreed that they should hold further discussions with a view to clarifying their analyses of the existing soil capability and to substantiating their opinions with regard to the improvability of the soils. It was agreed that the Commission would give further consideration to the application in light of these further reports.

As nearly one year has passed without further submissions as discussed on April 19, 2006, the application was brought to the Commission for further consideration.

### **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**

Over the last few years, during its review of this application, the Commission noted that it has considered and refused several other applications for similar development in the Parksville subregion. The Commission was not persuaded by the arguments advanced by the applicant in response to the staff report dated 22<sup>nd</sup> June 2005 that the staff analysis of the availability of land outside the ALR to accommodate future residential growth was in error. Accordingly the Commission was of the view that there was no overriding case to justify the development of this land for residential purposes in the foreseeable future.

With regard to the agricultural capability of the application site, the Commission recognized that although the proponent provided well documented information regarding the existing soil capability and the improvability of the soils, the Commission did not consider that the soil conditions rendered the property impractical for agriculture, and noted that areas with poorer soil conditions could be used for agricultural buildings or non-soil based agriculture uses.

In light of the previous discussions on this application, the Commission determined that a case for excluding all or part of the property on the grounds of community need or on the grounds of the property having no agricultural potential has not been established.

### **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 is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Craven  
**SECONDED BY:** Commissioner Seitz

THAT the application be refused.

### **CARRIED**

**Resolution # 116/2007**