



**Agricultural Land Commission**  
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November 21, 2008

Reply to the attention of Terra Kaethler  
ALC File: S-38566

Erich Bell  
115 Sunningdale Road, East  
Qualicum Beach, BC V9K1L1

Dear Sir:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 724/2008 outlining the Commission's decision as it relates to the above noted application.

When the Commission confirms that all conditions have been met, it will authorize the commencement of the construction of the second dwelling and request the posting of a bond as outlined in the attached Minutes.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Nanaimo (6635-05-0803)  
BC Assessment

TK/  
i/38566.d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on November 20, 2008 in Vancouver, B.C.**

**PRESENT:** Lorne Seitz Chair, Island Panel  
David Craven Commissioner  
Jennifer Dyson Commissioner  
Terra Kaethler Staff

### **For Consideration**

Application: # S- 38566  
Applicant: Erich Bell  
Proposal: To construct a second dwelling on the 2 ha parcel.  
Legal: PID: 026-045-001  
Lot 6, District Lot 8 and 91, Newcastle District, Plan VIP77594  
Location: 115 Sunningdale Rd, East, Qualicum Beach

### **Site Inspection**

No site inspection was conducted.

### **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**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted the applicants' proposal to establish an orchard and market garden. The Commission believed that the proposed agricultural development may offer a benefit to agriculture. As such, the Commission was prepared to allow the proposed second dwelling on the condition that significant investment is made to ensure the development of the agricultural activity on the property.

To this end, the Commission believes it would be appropriate for the applicants to submit a detailed farm business plan which outlines all aspects of the proposed orchard development and substantially reflects the proposed site plan submitted in the application. Once the farm business plan is received and approved, the Commission will authorize construction of the second dwelling.

The Commission discussed that the posting of a bond would ensure the implementation of the farm business plan. If the property is not developed according to the plan, the applicants will be required to remove the second dwelling. The bond will be used by the Commission to

demolish or remove the dwelling on the property in the event that the owners fail to meet their obligation.

**IT WAS**

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

THAT the application be approved in principle; subject to the submission of a farm business plan. Upon its receipt and approval by the Commission, construction of the second dwelling will be authorized subject to terms and conditions it deems advisable.

AND THAT the Commission must receive the farm business plan within one (1) year from the date of this decision. In the event the applicants do not submit a plan within the specified time frame, this decision will expire.

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 # 724/2008**

Commission Dyson wished to be recorded as being opposed to the decision