



Agricultural Land Commission
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April 29, 2010

Reply to the attention of Gordon Bednard
ALC File: #51227

Qualicum Bay Low Rental Housing Society
380 Lions Bay
Qualicum Beach, BC V9K 2C3

Dear Janine Ryder:

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

Please find attached the Minutes of Resolution # 2427/2010 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 black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Nanaimo Regional District (file#PL2009.835)
Provincial Rental Housing Corporation Attn: Erika Ulinder

GB/lv
/51227d1



A meeting was held by the Provincial Agricultural Land Commission on March 15, 2010.

PRESENT:	Erik Karlsen	Chair
	Niels Holbek	Commissioner
	Jennifer Dyson	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51227
Applicant: Qualicum Bay Low Rental Housing Society
Agent: Erika Ulinder (BC Housing)
Proposal: NFU – 10 units of low cost housing
Legal: Lot 1, District Lot 32, Newcastle District, Plan 47847 PID 012-669-008
Location: Lions Way, near Qualicum Bay

Site Inspection

A site inspection was conducted on February 19, 2010. Those in attendance were:

- Erik Karlsen Chair
- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff

The Commission noted the existence of 10 units of low cost housing constructed on the property which were allowed by a previous application approval. It also noted the proximity of the community hall and ball-field to the north of the subject lands. Finally the Commission confirmed that while the soils appeared gravelly, they appeared to be of sufficient quality to allow for some measure of agricultural production, as reflected in the agricultural capability mapping.

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

Assessment of 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.

Subclasses

A	soil moisture deficiency	P	stoniness
T	topography		

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission believes that the level of non-farm development in the area has compromised the suitability of the property for agricultural use. The presence of 10 residences and their associated utilities such as septic fields and driveways, have created challenges to the agricultural use of the remainder of the property. The Commission felt that increased non-farm use of a portion of the property would most appropriately be facilitated with the land removed from the ALR.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That while the land under application has challenges to its suitability for agricultural use, the Commission is not prepared to increase those challenges by increasing the residential component of the property in the ALR.

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Erik Karlsen

THAT the application for non-farm use be refused as presented. This being said, the Commission would encourage the timely submission of an exclusion application for the property, to facilitate the further expansion of the low cost housing development. The applicant should be advised that this resolution is not intended to compel decisions of future Commissions.

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 # 2427/2010