



January 7, 2013

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

ALC File: # 51632

Mr. J.A. Brown
411 Daniels Way
Gabriola Island, BC
V0R 1X3

Dear Mr. Brown:

Re: Request to extend ALC Approval of Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 375/2012 as it relates to the above noted application.

As you will note from the attached minutes, the Agricultural Land Commission has decided not to renew its approval for an extended period of time and therefore, the permission given to use land in the Agricultural Land Reserve (ALR) to establish a well and associated surface infrastructure for commercial water extraction and distribution purposes has expired.

Should you wish to submit another application to extract ground water the Commission will require the submission of a report from a hydrological engineer that indicates, to the satisfaction of the Commission, that the proposed extraction of water will not detrimentally effect the agricultural use of land within the zone of influence of the well. In the preparation of a report, the hydrological engineer should liaise with the Islands Trust, the Regional District of Nanaimo and with the Regional Water Manager of the Ministry of Forests, Lands and Natural Resource Operations and the report should take into account their assessment of the impacts of the proposed water extraction on surrounding agricultural properties.

In view of this decision the extraction of water for commercial purposes must cease until and unless a new application containing the above information, and made in accordance with the *Agricultural Land Commission Act* and regulation, has been expressly approved by the Commission.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'KB Underhill', is written over the typed name.

Brian Underhill, Executive Director

cc Mr. Dan Foley, 3153 Whalley Road, Gabriola Island, BC, V0R 1X7
Chloe Fox, Planner, Islands Trust, Refs GB-ALR-2009.1 and 2.
Mike Donnelly, Manager Water Services, Regional District of Nanaimo
Pat Lapcevic, Section Head, Water Protection (Hydrologist), Ministry of Forests,
Lands and Natural Resources, 2080A, Labieux Road, Nanaimo, BC, V9T 6J9

Enclosure: Minutes of Resolution # 375/2012

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND

COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 21st November 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to File # 51632.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Brian Underhill	Executive Director

Proposal: To consider extending an approval of an application to extract water from a single well for community residents.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

Background: The Commission gave an approval to the application for a two year period expiring on 24th November 2012 under Resolution Number 2594/2010. The Commission indicated that it would give consideration to extending its approval at the end of the two year period. The Commission required that accurate logs be kept of volumes extracted and exported from the property.

SITE INSPECTION: A site inspection was conducted on 24th October 2012 at the subject property. Those in attendance comprised:

Commissioners: Bullock and Dyson,
ALC Staff: R. Cheetham, B. Underhill
Islands Trust Planner: C. Fox
Applicant: J. Brown.

The Commission noted that the surface facilities associated with the water extraction have limited impact on the farm use of agricultural land. The applicant indicated at the site inspection that he did not wish to pursue the extension of the approval but in subsequent telephone advice to Commission staff, he indicated that he had changed his mind and now wished the Commission's approval to be extended.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

The Commission gave consideration to the extension of its approval in the light of the site inspection and the water extraction reports provided by Mr. Foley.

The Commission is concerned that insufficient information was available to renew the approval. Readings had not been taken without any water being extracted over an appropriate period during the summer months when water shortages occur. It also noted that well log work on Gabriola Island to be undertaken by the Regional District of Nanaimo will be helpful in future decisions relating to the allocation of water on Gabriola Island.

In view of these considerations the Commission did not consider that it was appropriate to give an extension to the approval.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Gillette

THAT no extension be given to the Commission's approval under Resolution Number 2594/2010.

CARRIED

Resolution #375/2012