

## **Agricultural Land Commission**

133-4940 Canada Way Burnaby, British Columbia V5G 4K6 Tel: 604 660-7000 Fax: 604 660-7033 www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler ALC File: # S-37628

February 11, 2008

James and Ronda Dickinson, Michelle Jager 7491 Lantzville Road Lantzville, BC V0R2H0

Dear Sir/Madam:

Re: **Reconsideration Request** 

Please find attached the Minutes of Resolution # 39/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Erik Karlsen, Chair

cc: District of Lantzville (7192 Lantzville Rd, Lantzville, B.C. V0R 2H0)

Enclosure: Minutes

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A meeting was held by the Provincial Agricultural Land Commission on January 15. 2008 in Parksville, B.C.

PRESENT:

Lorne Seitz

David Craven Donald Rugg

Terra Kaethler

Staff

Chair, Island Panel

Commissioner

Commissioner

# For Consideration

Application:

# S- 37628

Applicant:

James and Ronda Dickinson

Proposal:

To reconsider exclusion of the 16.0 ha property based on the following new information:

1) Expanded information on soil capability and water availability 2) Report on Community Benefits, including letters of support

3) Information regarding the properties in Port Alberni proposed for inclusion in exchange for exclusion of the subject property.

Legal:

PID: 009-543-856

District Lot 66, Easterly 1/2, Nanoose District, EXCEPT 3.51 Acres

Location:

7491 Lantzville Road, Lantzville

# 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 reviewed the request for reconsideration, received on December 11, 2007, and considered that the request met the requirements of the Agricultural Land Commission Act for reconsideration of Commission decisions, based on newly provided information. The Commission considered the supporting information submitted, as well as the original decision and file material.

The Commission reviewed the supporting information on agricultural capability and the lack of water on the property. The letter from Gordon Butt, P. Ag, is based on the unimproved soil classification on the assumption that irrigation is not possible. Although the Commission

recognizes that current availability and access to water may be a challenge on the subject property, it does not consider this to be a determining factor to exclude land from the Agricultural Land Reserve. Future policy changes or technological improvements may change the ability to access water or the amount of water necessary to produce a broader range of agricultural activity on the property.

The Commission also reviewed the "Report on Community Benefit" prepared by the applicant, and the 54 letters of support for the proposed senior's housing development. The Commission recognized the level of community support for the development was high. However, the Commission is only prepared to consider an application as a case for "community need" when a detailed analysis has been provided by the local government or other relevant government agency. No argument for community need has been put forward to the Commission by a government agency on this application. As such, the Commission is not prepared to consider this application on the basis of "community need".

Lastly, the Commission reviewed the agricultural capability of the two properties in Port Alberni put forward for inclusion in exchange for exclusion of the subject property. The majority of the properties are rated as Class 5 to Class 7 unimprovable with limitations of stoniness and topography. There was a small portion of the property which was rated as Class 3, but the majority of it was already in the ALR. The Commission did not believe that the low agricultural capability warranted the inclusion of these properties, nor would it justify the exclusion of the subject property.

After full review of the new information provided, the Commission did not believe that exclusion of the property was warranted. Therefore, it confirms the original decision of Resolution #543/2007, to refuse the application.

### Conclusions

THAT exclusion is not warranted and that the original decision to refuse the application is confirmed.

IT WAS

MOVED BY: SECONDED BY: Commissioner Craven

Commissioner Seitz

Refused as proposed.

CARRIED

**Resolution #39/2008**