



**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

August 19, 2011

ALC File: 36081  
Reply to the attention of Gordon Bednard

Brian and Belinda Strachan  
915 Horseshoe Road  
Gabriola, BC  
V0R 1X3

Dear Mr. and Mrs. Strachan:

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

Further to our letter of August 12, 2010, please be advised that the Agricultural Land Commission has reconsidered its decision concerning your application. We enclose for your information the Minutes of Resolution #2595/2010 outlining the Commission's decision as it relates to the above noted application. We apologize for the delay in conveying the decision and appreciate your patience in awaiting a reply.

Other approvals may be necessary. Prior to proceeding under the terms outlined by the Commission, it is suggested that you contact the Islands Trust with respect to any approvals, permits or licenses that are required in relation to any land use or other bylaw which may apply to the subject lands and the approved land use activity. Furthermore, you should also contact the Ministry of Environment as well as any other authority which may have jurisdiction regarding matters such as groundwater extraction as well as groundwater management and protection.

As noted in its decision, the approval expires on November 24, 2012, at which time consideration will be given to an extension.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'B Underhill', is written over a faint, light-colored signature line.

Brian Underhill, Executive Director

cc. Islands Trust File Ref: GB-ALR -2005.1

rc/36081d3



**A meeting was held by the Provincial Agricultural Land Commission on November 24, 2010 in Nanaimo, BC.**

<b>PRESENT:</b>	Richard Bullock	Chair
	Jennifer Dyson	Commissioner
	Niels Holbek	Commissioner
	Jerry Thibeault	Commissioner
	Gordon Bednard	Staff
	Brian Underhill	Staff
	Thomas Loo	Staff

### **For Consideration**

Application: 36081  
Applicant: Brian and Belinda Strachan  
Proposal: Non-farm use – Establishment of a well and associated surface infrastructure for commercial water extraction and distribution.  
Legal: PID: 002-305-488  
Location: Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 25487  
915 Horseshoe Road, Gabriola Island

### **Context**

On November 21, 2006, the Commission, by resolution #592/2006, gave approval in principle to the application requesting permission to construct a well and associated surface infrastructure for commercial water extraction and distribution. The approval was subject to final approval being granted following the submission of a report from a hydrological engineer in the form required by the Islands Trust bylaws such that the report indicates that the proposed extraction will not have any detrimental effect on wells within the zone of influence, the aquifer and natural environment. The Commission outlined that final approval would comply with the recommendations in the report and that if, in the Commission's opinion, there is any threat to the wells in the zone of influence, the aquifer and the natural environment, the abstraction of water would be required to cease.

In March 2010, the Commission received an application for water extraction on nearby lands (File #51632 – Brown/Foley). In advance of receiving a hydrological report from Strachan (file #36081), the Commission notified Strachan on August 12, 2010 that it had received a land use application which raised similar issues with respect to water extraction and the potential impact on farming and that it would be reviewing its November 21, 2006 decision in the context of its findings on the Brown/Foley application.

In light of the Commission's review of the Brown/Foley application and its decision to conditionally approve that application (File #51632); the Commission believed that it was appropriate to reconsider its 2006 decision on the Strachan application.

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 noted that in the case of Application #51632 (Brown/Foley) it held the view that, bearing in mind the small footprint of the water extraction infrastructure on the land surface, the development did not have a significant impact on the agricultural potential of the subject property. It was also noted that there likely was a need for additional information in order for the long term impact of the water extraction proposal to be assessed by the appropriate authorities. It was noted that in the light of the present information available, noting that the surface impact is small and contained, it would be reasonable to grant a conditional approval for the Brown/Foley proposal, restricting it to two years.

### **Conclusion**

The Commission concluded that groundwater management within the ALR as well as the jurisdiction over the use of water resources was not within the purview of the Commission, despite there being potential implications to the availability of water for farming purposes. Given the Commission's understanding that the provincial government was presently reviewing groundwater policy and potential legislation, it believed that it would be appropriate to review this particular application at a future point in time. Similar to the Brown/Foley application, the Commission also noted that the service undertaken by applicant provides a benefit to the community.

### **IT WAS**

**MOVED BY:** Commissioner N. Holbek

**SECONDED BY:** Commissioner J. Dyson

That the decision by way of resolution #592/2006 be reconsidered and that the application to establish a well and associated surface infrastructure to carry out extraction and distribution of water be approved for two years. The applicant must keep accurate logs of water volumes extracted and exported from the property over the two year period. Following this initial 2 year approval, the Commission will give consideration to renewing its approval for an extended period of time.

This, and any subsequent approval, is granted for the sole benefit of the applicant and is non-transferable. Approval is subject to compliance with all other federal, provincial and local government legislation and bylaws and authorities which have jurisdiction. Review of this decision in two years will be made under prevailing legislation and consider all information received concerning this matter.

**CARRIED**

**Resolution # 2595/2010**