



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

January 28, 2011

Reply to the attention of Gordon Bednard
ALC File: #52012

Fern Road Consulting Ltd
Box 405
Qualicum Beach, BC V9K 1S9

Dear Helen Sims:

Re: Application to Include land in the Agricultural Land Reserve and Subdivide land within the ALR

Please find attached the Minutes of Resolution # 30/2011 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the 'Per:' label. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Brian Underhill, Executive Director

Enclosure: Minutes,

cc: Regional District of Nanaimo Attn: Angela Buick file # PL 2010-184

GB/eg
/52012d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 7, 2010 at Qualicum Beach, BC.

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Gordon Bednard Staff

For Consideration

Application: #52012
Applicant: Don and John McMillan
Agent: Helen Sims
Proposal: Inclusion and Subdivision
Legal: PID 025-802-747, 025-802-755
Location: Qualicum Beach

Site Inspection

A site inspection was conducted on December 7, 2010. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Gordon Bednard Staff

The Commission toured the area proposed for inclusion and the proposed subdivision boundary with the agent.

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

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 30/2011