



June 2, 2011

Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: #52148

Downes Point Holdings Ltd
c/o Scott Watson, President
1825 Main Mall, UBC
Vancouver, BC V6T 1Z2

Dear Sirs / Mesdames:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 129/2011 outlining the Commission's decision as it relates to the above noted application.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

The Commission will advise the Registrar of Land Titles that a portion of the property has been excluded from the ALR.

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 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Islands Trust - Victoria - file HO-ALR-2010.1

GB/eg
/52148d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 at Campbell River, BC.

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

For Consideration

Application: #52148
Applicant: Downes point Holdings Ltd
Agent: Merrilyn Farquhar
Proposal: Exclusion of 5 ha where the majority of dwellings are located (grandfathered)
Legal: South ½ Section 1, Hornby Island, Nanaimo District Except Parcel A (DD111779I) and except those parts in Plans 13495 and 19601
Location: Hornby Island

Site Inspection

A site inspection was conducted on March 8, 2011. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Judith Lawrence part owner

The Commission toured the area proposed for exclusion and noted the existence of a number of older cottages/homes, most of which likely pre-date the designation of these lands as ALR.

Exclusion Meeting

An exclusion meeting was conducted on March 8, 2011 at the subject property. Those in attendance were:

- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Denise Dowswell Commissioner
- Gordon Bednard Staff
- Judith Lawrence part owner

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 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Subclasses

P	stoniness
X	cumulative and minor adverse
W	excess water

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. The property, while located in an area of considerable residential development to the north, is of a size and agricultural capability which would lend itself to agricultural production. The number of dwellings, however, located in the area proposed for exclusion, is problematic for future agricultural production on that portion of land and the Commission believes that agriculture would be better served by the exclusion of that area and the inclusion of an undeveloped area of the property.

Conclusions

1. That the land under application is suitable for agricultural use.
2. That the proposal will not impact agriculture if an suitable area of the property is added to the ALR

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Denise Dowswell

THAT the application be approved subject to the inclusion of a 5 ha portion of the lot more suited to agriculture.

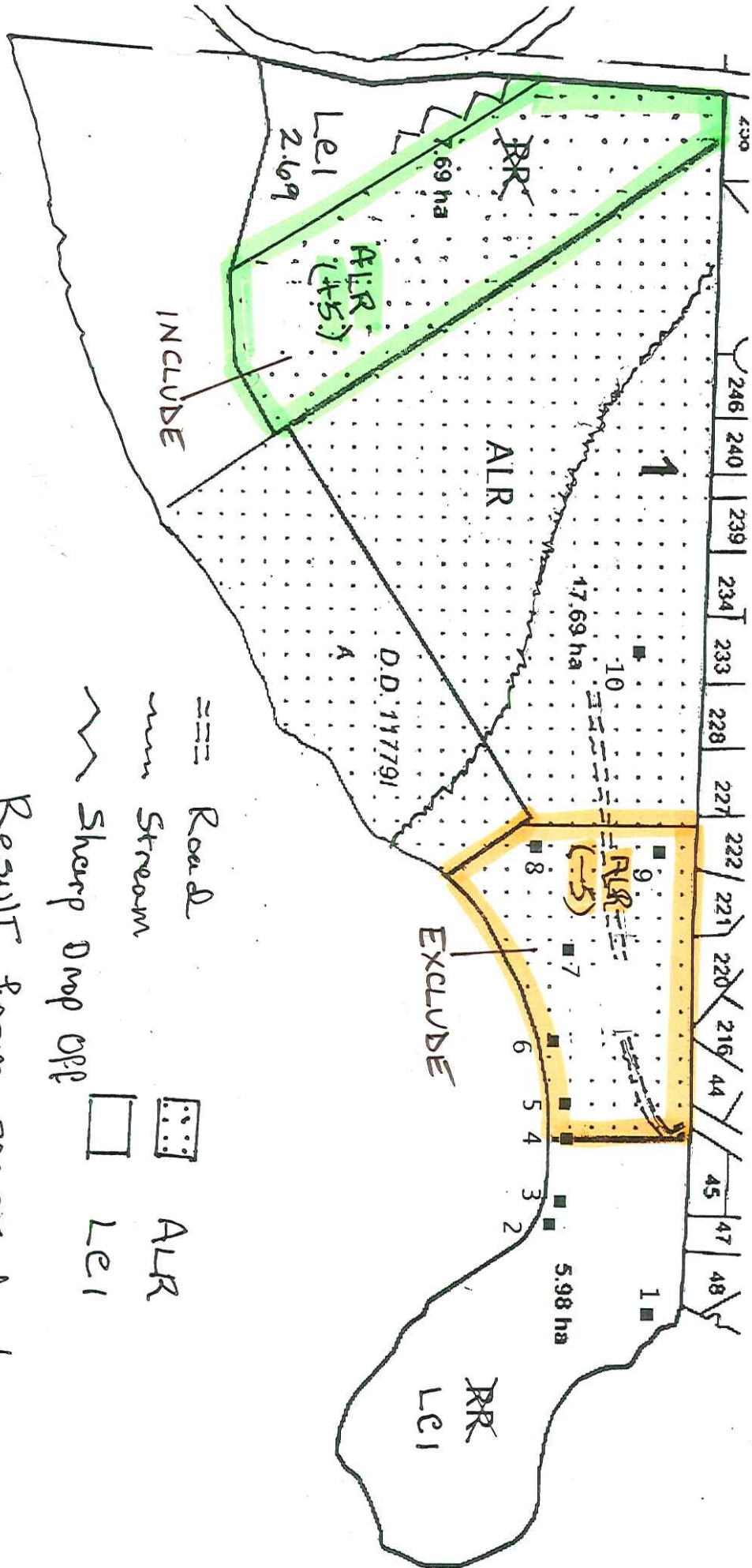
AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- 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 # 129/2011



Result from proposed changes:
 No net gain or loss ALR 17.69 ha
 LCI 13.67 ha

NB DD 117791 A is not part of Dr. ... District