



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

6th December, 2011

Reply to the attention of Jennifer Carson
ALC File: 52199

Helen MacPhail Sims
Fern Road Consulting Ltd
PO Box 405
Qualicum Beach, BC
V9K 1S9

Dear Ms. Sims:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **450/2011** outlining the Commission's decisions as they relate to the above noted application.

As proponent it is your responsibility to notify the applicant of the Commission's decision.

As reflected in the minutes the Commission has not required that an application for the exclusion of the property from the reserve be made as a condition of its approval. It would nevertheless prefer that an application be made and it is requested that consideration be given to this possibility.

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Town of Qualicum Beach (Ref. 3320-20-1256)

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52199d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 24th, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Colin Fry	Executive Director
Brian Underhill	Executive Director
Roger Cheetham	Regional Planner

APPLICATION ID: # 52199

APPLICANT: Paul & Emily Ferris

PROPOSAL: SUBDIVISION: to subdivide a 1.2 ha property into two lots of 0.8 and 0.4 to create a separate lot for a Garden Centre/Nursery from the existing residential dwelling.

The current owners are proposing to subdivide the residential dwelling from the nursery business in order to facilitate sale of the agricultural enterprise.

(Submitted pursuant to section 21 of the Agricultural Land Commission Act)

PROPERTY INFORMATION:

PID: 027-607-437

Legal Description: Strata Lot 1 District Lot 78 Newcastle District Strata Plan VIS6641 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V

Civic Address: 250 Rupert Road E, Qualicum Beach

CURRENT LAND USE: Garden Centre/Nursery, one residential building

SITE INSPECTION MEETING:

A site inspection meeting was conducted on June 23, 2011 following which a report was prepared. The site inspection meeting report was approved by the agent on August 11, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote.

The site visit report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

AGRICULTURAL CAPABILITY

Based on the information contained in Map 92F.038 (Scale 1:20,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 5AP Improved Rating: (4P)

Note: These ratings cover approximately 60% of the subject property.

Unimproved Rating: 5AT Improved Rating: (4TP)

Note: These ratings cover approximately 40% (or 2.91 ha) of the subject property.

Class and Subclass Descriptions

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

A soil moisture deficiency
P stoniness
T topography

ASSESSMENT OF AGRICULTURAL SUITABILITY AND POTENTIAL IMPACT ON AGRICULTURE AND

The Commission considered that the property was originally not included within the ALR boundary. In 1986, a fine tuning review was conducted, and the property was not recommended for inclusion, based on its agricultural capability (ALC Resolution #528/1986).

The Commission also reviewed its 2008 decision to include the 1.2 ha subject property for inclusion, to facilitate the development of a Garden Centre/Nursery (Resolution #48/2008). The

Garden Centre/Nursery operation was built and in operation for only 4 months before personal circumstances of the owners' at the time resulted in the closing of the business.

The Commission noted that the subject property was small, had a number of structures and pavement on the property, and was adjacent to non-ALR small-lot residential development to the east and west. It was of the view that approval of this subdivision application would create two small lots within the ALR with very minimal agricultural capability and suitability due to the size of the proposed lots and structures on the property. Further, the Commission considered that the proposal had minimal impact on agriculture, and should be excluded. After some discussion relating to the pros and cons of requiring that an exclusion application be made, the Commission, after reflection, concluded that in this instance, bearing in mind the circumstances relating to the inclusion of the property in 2008, that, while desirable, it was unreasonable for the Commission to refuse the application and require that an exclusion application be made.

CONCLUSIONS:

1. That the subject property is not suitable for agricultural purposes.
2. That the Commission considers this property should be excluded from the ALR, and would recommend an exclusion application be submitted for the Commission's review.

IT WAS

MOVED BY: Commissioner Bullock

SECONDED BY: Commissioner Miles

THAT the application to create two subdivisions be approved

AND THAT the approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

CARRIED

Resolution # 450/2011