



**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

November 30, 2011

Reply to the attention of Jennifer Carson  
ALC File: 52373

Ballenas Engineering Ltd.  
#4 - 1080 Industrial Way  
Parksville, BC  
V9P 2W8

Dear Mr. Heringa:

**Re: Application to Subdivide land in and for Non farm use in the ALR**

Please find attached the Minutes of Resolution # 365/2011 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.

We look forward to receiving the undertaking relating to the submission of an exclusion application. Please do not hesitate to contact this office should you have any questions or concerns.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, B.C. V9T 6N2  
(PL2011-082)

JC/  
52373d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on November 24<sup>th</sup>, 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

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### APPLICATION ID: # 52373

**PROPOSAL:** To legalize the existing uses on the property, to develop the balance of the property into a seasonal RV park and to subdivide the 1.0 ha parcel into three, five or eight roughly equal parcels. (Submitted pursuant to section 20(3) and 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

**Parcel ID:** 000-228-265  
**Legal Description:** Lot 1, District Lot 143, Nanoose District, Plan 33113, except part in plan VIP60252  
**Civic Address:** 2761 & 2771 Old Alberni Highway, Parksville  
**Size:** 1.0 ha  
**Area in ALR:** 1.0 ha  
**Current Land Use:** Two rental cabins and a rental house on concrete footings, a storage building and workshop (commercial for inventory), an owner occupied house on a concrete foundation, two garages and the Trash & Treasure Store (commercial) on concrete footings.  
**Farm Classification:** No  
(BC Assessment)

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**PROPERTY OWNER INFORMATION:** Pauline & Mike Nelsen

**DATE PROPERTY ACQUIRED:** May 2010

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**SITE INSPECTION MEETING:**

A site inspection meeting was conducted on September 23, 2011 following which a report was prepared. The site inspection meeting report was approved by Commissioner Dyson on October 13, 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 inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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**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.

The Commission discussed the details of the application and proposal. Due to the size, location, and surrounding uses of the subject property and the history of non-farm use on the property, the Commission was of the view that the property has no significant agricultural potential. In these circumstances the Commission considered that it would have been more appropriate for an exclusion application to have been submitted and in this connection the Commission noted that the adjoining property to the east, which appears to have similar agricultural capability and suitability, was excluded from the reserve in 1980 and that the property to the north was excluded on reconsideration in 2003.

The Commission also noted that this matter was brought before the Commission as a result of a compliance and enforcement matter, which is still in effect.

**CONCLUSION:**

That bearing in mind the existing use of the property, its lack agricultural suitability and capability, and the proximity of properties to the east and north that have been excluded from the reserve the Commission considered that the application could be approved, subject to the submission of an undertaking by the applicant to submit an application for exclusion of the property from the reserve.

**IT WAS**

**MOVED BY:** Commissioner Miles

**SECONDED BY:** Commissioner Johnson

THAT the application be approved



ALC Application #52373  
Resolution #365/2011

AND THAT the approval is subject to the following condition:

- The submission of a notarized letter of intent that an application for the exclusion of the property from the Agricultural Land Reserve will be submitted by or before May 30, 2012.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**  
**Resolution # 365/2011**