



Agricultural Land Commission
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November 14, 2016

ALC File: 55021

PRSC Land Developments Ltd.
4760 Joyce Avenue
Powell River, BC V8A 3B6

Attention: Scott Randolph

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island (Resolution #380/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicants accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (sara.huber@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #380/2016)

cc: City of Powell River (File: 6020-30-0005)

55021d1



AGRICULTURAL LAND COMMISSION FILE 55021

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Applicant: PRSC Land Developments Ltd.
(the “Applicant”)

Agent: Scott Randolph
(the “Agent”)

Application before the Island Regional Panel: Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 026-685-591

Lot A, District Lot 450, Group 1, New Westminster District, Plan BCP23887 Except:
Part Subdivided by Plan BCP42255

(the "Property")

[2] The Property is 53.7 ha in area (47.7 ha in ALR).

[3] The Property is generally described as being located off of Marine Avenue, adjacent to Brooks Secondary School.

[4] The Property has 47.7 ha of land partially located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 30(1) of the *ALC*, the Applicant is applying to exclude approximately 12 ha of land to allow for the development of a private school campus and dormitories (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:



- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Evidence from any third parties of which disclosure was made to the Applicant
4. Agricultural capability map, ALR context map, and satellite imagery
5. Additional Information Provided by the Applicant:

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of June 2, 2016, the City of Powell River Council resolved:

That the application to exclude land from the Agricultural Land Reserve submitted by PRSC Land Development Ltd. be supported.

SITE VISIT

[11] On August 17, 2016, the Panel conducted a walk around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations

and discussions of the Site Visit by the Agent on September 27, 2016 (the “Site Visit Report”).

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), ‘Soil Capability Classification for Agriculture’ system. The improved agricultural capability ratings identified on CLI map sheet 92F/15 for the mapping units encompassing the ALR area of the Property are approximately 95% 8:4M – 2:4PM, and 5% 5TM.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness), and T (topographic limitations).

[14] As part of the Application, the Panel received a professional agrologist report, prepared by Madrone Environmental Services Ltd., dated May 10, 2007 (the “Madrone Report”). The Madrone Report conducted soil mapping at a scale of 1:5,000 versus the available CLI map at 1:50,000. For this reason, the Panel referred to the Madrone Report for assessment of agricultural capability. The Madrone Report identifies and defines two soil units applicable to the proposed exclusion on the Property: Unit 12 which covers approximately 80% of the area, and Unit 13 which covers approximately 20% of the area. The Madrone Report describes capability classifications and improvement ratings for these soil units as follows:

Unit 12

Description and Capability Classification

This unit is located in the northern and southwestern parts of Area 2, and covers 23-ha or 42%. It has gently sloping, undulating terrain under second-growth forests. Soils are derived from coarse deltaic deposits overlying deeper glaciofluvial sediments. The soils have predominantly sandy to loamy sand textures and are classified as Orthic Humo-Ferric Podzols or Orthic Dystric Brunisols. Soils are variable in the level of stoniness limitation ranging from Class 3P to 6P, with an average 4P Classification (4-4% of the Unit).

Improvement Ratings and Feasibility

The soils in this unit have levels of coarse fragments that will hinder tillage, planting, and/or harvest operations. The 4P stoniness limitations could be improved by one class to 3P, with intense removal of the cobbles and stones.

The coarse gravel content, however, is considered impractical to remove, and will likely remain after cobble and stone improvement. The remaining Class 5P and 6P stoniness limitations cover 31% of the unit. This land is marginally suitable for agriculture.

Unit 13

Description and Capability Classification

Unit 13 occupies an estimated 6-ha or roughly 11% of Area 3 and is located on west facing slopes in the eastern part of the area. The soils are generally well drained with simple slopes ranging from 10 to 30% (3T to 4T limitations). The soils are likely derived from the glaciofluvial delta described in Unit 12.

Improvement Ratings and Feasibility

Soils with steeper gradients have limitations for farm machinery access, and increased potential for water erosion. Improvements of topographic limitations are impractical. The best improved rating is 3T.

In this regard, the Panel finds that the Property has agricultural capability, despite some limitations, and is appropriately designated as ALR.

[15] In 2013, the City of Powell River and Vancouver Island University signed off on a Memorandum of Understanding with Sino Bright committing the company to build a full-time campus in the Powell River community. In 2014, the BC Government granted Sino Bright a license to deliver a full-time school program for Chinese students in Powell River, which started operating at Oceanview Education Centre. In 2015, Sino Bright confirmed an agreement with PRSC Land Developments to purchase the Property.

[16] Sino Bright chose to purchase the Property for the construction of its campus because of its close proximity to Brooks Secondary School, Powell River's only secondary school. Sino Bright's partner, School District 47, is proposed to be responsible for operating the school campus on the company's behalf. Proximity to the Brooks Secondary School is required as Sino Bright Students will have access to elective programs, such as Arts, Digital Media, and Physical Education.

[17] Other properties in proximity to Brooks Secondary School were considered for the Proposal; however the alternate sites were not feasible according to the Application. The lands to the east of the Brooks Secondary School are being developed into a residential subdivision, and lands to the west would require students to cross a highway to access Brooks Secondary School.

[18] In the absence of a detailed land use analysis of potential school sites in the Powell River area, the Panel does not find the proposal to exclude 12 ha for institutional use as a compelling rationale to supersede the mandate of the ALC to preserve agricultural



land. The Panel finds that the Proposal would be more appropriately located on lands outside of the ALR.

DECISION

[19] For the reasons given above, the Island Panel refuses the Proposal.

[20] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[21] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[22] This decision is recorded as Resolution #380/2016 and is released on November 14, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to be 'Jennifer Dyson', is written over a horizontal line.

Jennifer Dyson, Panel Chair, on behalf of the Island Panel

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