



**Agricultural Land Commission**  
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April 24, 2007

Reply to the attention of Terra Kaethler  
ALC File: #J - 35959

Bruce Muir  
F951 Canada Avenue  
Duncan, BC V9L 1V2

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 113/2007 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 reflecting the area that has been excluded 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. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#3-B-04ALR)

Enclosure: Minutes/Sketch Plan

TK/lv  
35959d1.





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on March 15, 2007 in Courtenay, B.C.**

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

### **For Consideration**

Application: # J - 35959  
Applicant: Hayes Forest Services Ltd.  
Agent: Bruce Muir  
Proposal: To exclude a 36 ha property to facilitate its subdivision into 27-30 one hectare lots.  
Legal: PID: 024-265-543  
Location: Lot 1, Section 3, Range 5, Shawnigan District, Plan VIP67716  
Location: Behind Legion Building on Shawnigan-Mill Bay Road, CVRD

### **Site Inspection**

The original site inspection took place on May 25, 2005. A decision was tabled pending further information from the proponents.

### **Public Meeting**

A meeting was conducted on 10<sup>th</sup> January 2007 at the Shawnigan Lake Hall in Shawnigan Lake to provide interested parties an opportunity to express their views on the proposal.

Those in attendance were:

- Commissioners Seitz, Craven and Rugg
- R. Cheetham, staff
- Bruce Muir, agent for applicants
- 22 members of the public

Bruce Muir explained the reasons behind the proposal, emphasizing that the subdivision details including the density, size and location of the development would be resolved during the public process associated with the bylaw amendments that would be necessary to the OCP and the zoning bylaw should the Commission approve the exclusion of the property. He indicated that the soil capability report prepared by Pottinger Gaherty Environmental Consultants concluded that the land has marginal agricultural capability.

The following issues were raised by members of the public:

- The need for environmental protection of the riparian areas on the property.
- The need to protect the active farming areas to the east.
- The importance of the ALR as a reserve for the growing of trees.
- The possibility that the development of the subject property would lead to further development on adjoining Crown land.
- The limited amount of land available for agriculture and the need to protect land with agricultural potential.

### **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**

The site visit conducted in 2005 confirmed, in the Commission's view, that the land has marginal agricultural capability.

However, the Commission recognized that there was an active farming operation beyond the northeast corner of the property and that this was a concern that was raised at the public meeting. Therefore it was reluctant to exclude the entire property, particularly the area of the BC Hydro right of way and the area east of the right of way, so as not to negatively impact the neighbouring agricultural activity.

### **IT WAS**

**MOVED BY:** Commissioner Rugg

**SECONDED BY:** Commissioner Seitz

THAT the application be refused as proposed;

AND THAT an alternative proposal be allowed to exclude the subject property, save and except for the northeast corner including the BC Hydro right of way. The western boundary of the right of way will serve as the boundary of the ALR.

AND THAT this approval is subject to the preparation of a subdivision plan to delineate the excluded area as well as providing access to the area remaining in the ALR.

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 # 113/2007**



**Staff Report**  
**Application # J – 35959-0**  
**Applicant: Hayes Forest Services Ltd**  
**Agent: Bruce Muir**

**DATE PREPARED:** December 29, 2006

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Terra Kaethler – Land Use Planner

**PROPOSAL:** To exclude a 36 ha property to facilitate its subdivision into 27-30 one hectare lots.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

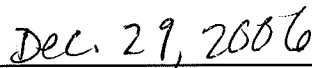
The original staff report was prepared May, 2005. A decision was tabled until further information from the proponents was received. A public information meeting has been scheduled to provide interested parties an opportunity to express their views as they relate to the proposal. The public meeting will be held January 10, 2007 from 6:00-8:00 pm at Shawnigan Hall.

**ATTACHMENTS:**

- Letter from Applicant (June 16, 2006)
- Original Staff Report (May 18, 2005)
- ALC Context Map 92B.062
- ALC Agricultural Capability Map 92B.062
- Proposed Subdivision Plan

**END OF REPORT**

  
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Signature

  
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Date