



Agricultural Land Commission
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December 22, 2008

Reply to the attention of Ron Wallace
ALC File: Z-38067

Elizabeth Baxter
c/o 1697 Lockyer Road
Roberts Creek, BC V0N2W1

Dear Madam:

Re: Application to Construct a Second Dwelling within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 814/2008 outlining the decision as it relates to the reconsideration above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chief Executive Officer

Enclosure: Minutes

cc: Sunshine Coast Regional District
Judith Hayward and Sharon Williams - c/o 1697 Lockyer Road, Roberts Creek, BC,
V0N2W1

RW/
i/Z-38067d2



A meeting was held by the Provincial Agricultural Land Commission on November 18, 2008 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

For Reconsideration

Application: # Z- 38067
Applicant: Elizabeth Baxter
Proposal: To reconsider the decision to conditionally approve the proposal subject to the registration of a covenant for the purpose of ensuring that upon sale of the property by the owners or by either of the ½ interest parties, one of the additional dwellings must be removed. In a letter dated October 30, 2008 the applicants requested that the requirement for a covenant be removed as it imposes an undue financial risk on the applicants proposed farm development.
Legal: PID: 011-652-136
District Lot 3377, Block 12, Plan 4271
Location: 1737 Lockyer Road, Roberts Creek

Delegation to the Chief Executive Officer

This application pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "Act") was considered on behalf of the Commission by Erik Karlsen, Chief Executive Officer of the Commission, pursuant to the authority delegated to him under section 27 of the Act. Criteria established by the Commission for applications considered by the Chief Executive Officer are specified in Resolution #236/2005.

More specifically, on September 15, 2005 the Commission passed Resolution #236/2005 establishing the criteria to authorize the Chief Executive Officer of the Commission to approve all applications for exclusion, subdivision or non-farm use (including soil extraction or deposit) within the area designated AGRICULTURE B in the Sunshine Coast Regional District "Roberts Creek Official Community Plan Bylaw No. 375" or its successor under the following criteria:

1. Decisions should reflect the fact that although the Commission sees no need for ALR designation, the area is rural-residential and may support isolated hobby-farms for the foreseeable future;
2. The CEO must consider the policies of Bylaw No. 375 or its successor before reaching a decision; and
3. The CEO must consider the effect of any proposed exclusion, subdivision or non-farm use on adjacent lands in farm use or having prime-dominant agricultural capability "improved" ratings per the 1993 Schori Consultants report filed in #Z-22858.

For Consideration

The applicants request reconsideration of the previous decision to construct a second dwelling on the north east corner of the property without the condition of registering a covenant on title due to the reason noted in the letter dated October 30, 2008.

Chief Executive Officer Comments

The Chief Executive Officer confirmed that the proposed non-farm use, namely to construct a second dwelling, is situated within the area described in Resolution #236/2005 and therefore he has authority to approve the application subject to the proposal being consistent with the criteria set out by Resolution #236/2005.

DECISION:

After reviewing the entire file material regarding the proposal, I, Erik Karlsen, Chief Executive Officer of the Commission, approved the application to construct a second dwelling on the north east corner of the property without the registration of a covenant on behalf of the Commission, pursuant to section 20(3) of the Act.

This decision is subject to compliance with all other legislation.

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION

per: 
Erik Karlsen, Chief Executive Officer

CARRIED
Resolution # 814/2008