



Agricultural Land Commission
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December 17, 2008

Reply to the attention of Ron Wallace
ALC File: Z-38316

David & Lisa Wares
838 Cemetery Road
Gibsons, BC V0N1V7

Dear Sir/Madam:

Re: Application for a Second Dwelling in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 816/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Sunshine Coast Regional District (F-46)
BC Assessment, Sunshine Coast

RW/
i/Z-38316d1



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.

PRESENT:	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Ron Wallace	Staff
	Tony Pellett	Staff

For Consideration

Application: # Z- 38316
Applicant: David & Lisa Wares
Proposal: To permit a second pre-existing single family dwelling on the property. The subject dwelling was built in 1996 by the previous owners. A building permit was issued for an auxiliary building only. A permit to convert the auxiliary building to an auxiliary dwelling was denied in 1998 due to the fact that the applicants had not made an application to the ALC. Subsequently, it was converted into a dwelling without authorization from the SCR or ALC, and continued to be inhabited as a dwelling. The current owners are now applying to legitimize the second dwelling through a non-farm use application.

Legal: PID: 017-920-426
Location: Lot 3, District Lot 914, Block A, Plan LMP6365
838 Cemetery Road, West Howe Sound

Site Inspection

A site inspection was conducted on September 22, 2008 by ALC Regional Planner, Tony Pellett.

The applicant was not present at the on-site inspection.

Tony Pellett viewed the property by Cemetery Road and he observed that the subject property consists of three distinct units:

- the eastern 1.2 ha is partially cleared, with a residence roughly in the centre of it; the adjoining land to the east is treed ALR land; the adjoining land to the north is treed non-ALR land;
- the central 0.5 ha is an electrical transmission corridor 50 m wide, substantially in the ALR, cleared and available to farm;
- the western 0.4 ha is mostly treed except for the residence currently under application; the northern 0.1 ha of this area is not in the ALR; the adjoining land to the north is an informal mobile home park, with mobile homes placed so that the long side immediately adjoins the subject land.

His conclusion was that there are few challenges to eventual development of the eastern and central units for agriculture, but the western triangle has some disadvantages resulting from its shape and the distinct potential for conflict with the adjoining mobile homes.

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

Tony Pellett informed the Commissioners of his inspection of the property and discussed this proposal to legitimize the existing second dwelling. The Commission noted that the second dwelling was constructed on the property without authorization from the Sunshine Coast Regional District or the ALC. However, the Commission had no objection to approving the second dwelling based on the Staff's recommendation.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the existing second dwelling will not impact agriculture.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Bose

THAT the application be allowed.

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 # 816/2008