



Agricultural Land Commission
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15th July 2009

Reply to the attention of Gordon Bednard
ALC File: J = 39529

Ton Weisbeck
4370 Gallagher's Drive E
Kelowna, BC
V1W3Z8

Dear Sir:

Re: Application to reconsider Commission Decision under Resolution # 8/2009

Please find attached the Minutes of Resolution # 440/2009 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.

In view of the immanency of the Cobble Hill Fall Fair it would be appreciated if you could ensure that the funds are provided as soon as possible.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: Cowichan Valley Regional District

rc
i/38529d2



Meetings were held by the Provincial Agricultural Land Commission on 26th March 2009 in Courtenay, BC and 26th May, 2009 in Duncan, BC

Present at 26th March Meeting:

Lorne Seitz	Chair, Island Panel
David Craven	Commissioner
Jennifer Dyson	Commissioner
Roger Cheetham	Staff

Present at 26th May Meeting:

Lorne Seitz	Chair, Island Panel
Niels Holbek	Commissioner
Jennifer Dyson	Commissioner
Gordon Bednard	Staff

Note: Commissioner Niels Holbek was not present at the first meeting at which the reconsideration request was discussed. It was confirmed that a summary of the site inspection, and the application documents including details of the reconsideration request and the discussion of the request at the 26th March meeting was provided thus establishing his eligibility to vote on the application.

For Consideration

A request for reconsideration of Commission decision under Resolution Number 8/2009 was received on 5 March 2009. The grounds for reconsideration were founded on additional information being provided that indicated that the Strata Council was not interested in creating a 0.4 ha lot for a community garden as required in terms of the decision.

Application: # J- 38529
 Applicant: CRC Canadian Retirement Corporation
 Agent: Tom Weisbeck
 Proposal: To locate a cul-de-sac and some parking within the ALR for residential development in an area previously excluded from the ALR.
 Legal: PID: 015-933-369
 Lot A, of Section 12, Range 9, of Sections 11, 12 and 13, Range 10, Shawnigan District, Plan 50183
 Location: Arbutus Ridge Development & Golf Course

Original Decision: Approved subject to the following conditions:

- That the location of the cul-de-sac and parking area be in substantial compliance with the plan submitted with the application.
- That a common strata lot of a minimum of 0.4 ha be created to provide for a community garden and that a site plan be presented for Commission review.
- That a letter of undertaking of the applicant's commitment to the provision of the land, services and infrastructure (to include the distribution of water, fencing, a tool shed and raised beds) and the preparation of the soils of the community garden site be submitted.

- That provision of a Letter of Credit for \$20,000 be posted to the strata corporation to authorize the use of the funds in the event that the applicant fail to meet these conditions be submitted.
- That a written agreement from the strata outlining support for the conditions above and agreement for the continued management of the community garden be submitted.
- That the community garden must be completed within three (3) years from the date of this decision.

Discussion In the light of the request the Commission discussed other options to ensure that agricultural losses associated with the proposed development were mitigated. After the meeting on the 26th March 2009 the matter was discussed with various stakeholder groups and, in the light of these discussions, the Commission was able at its 26th May meeting to agree to the substitution of another requirement that would provide equivalent benefits for agriculture.

IT WAS

MOVED BY: Commissioner L. Seitz
SECONDED BY: Commissioner J. Dyson

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request for the removal of the conditions relating to the community garden be approved and the following condition be substituted:

That the applicant donate a sum of \$15 200 to the Cobble Hill Fall Fair

AND THAT all other conditions of approval under Resolution #8/2009 must be met, the amended conditions being as follows:

- That the location of the cul-de-sac and parking area be in substantial compliance with the plan submitted with the application.
- That the applicant donate a sum of \$15 200 to the Cobble Hill Fall Fair

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 # 440/2009