



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

July 26, 2010

Reply to the attention of Gordon Bednard
ALC File:# 51705

Coastal Black Estate
Abel O'Brennan
2186 B Endall Road
Black Creek, BC V9J 1G8

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2537/2010 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Comox Valley Regional District file:3110-50 3110-20/ALR 1C 10

GB//lv
/51705d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 4, 2010 at Courtenay, B.C.

PRESENT: Niels Holbek Jennifer Dyson Gordon Bednard	Commissioner Commissioner Staff
--	---------------------------------------

For Consideration

Application: # 51705
Applicant: Terry and Bonnie Ludwig
Agent: Coastal Black Estate/Abel O'Brennan
Proposal: Distillation of wine to produce alcohol to use in the production of
 dessert and other fortified wines
Legal: PID 006-285-929
Location: Black Creek

Site Inspection

A site inspection was conducted on June 4, 2010. Those in attendance were:

- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff
- Terry Ludwig and Abel O'Brennan

The Commissioners toured the winemaking facility (which is also the location of the planned distillery) and viewed the plantings of blackberries. The Commissioners also discussed the nature and intent of the proposal with the applicant and his agent.

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

Assessment of Agricultural Capability

Agricultural capability was not considered an issue in this particular application as the proposed use would take place within a building already being used for wine production which is an allowed use under the regulations.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission felt that the proposal was supportive of agriculture as it added further processing of agricultural products from the subject farm property. The Commission believes the proposal will have a supportive impact on agricultural production from the subject lands and surrounding properties.

Conclusions

1. That the proposal will have a positive impact on agriculture.
2. That the proposal is consistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Jennifer Dyson

SECONDED BY: Commissioner Niels Holbek

THAT the application be allowed as presented.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2537/2010