



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

January 25, 2011

Reply to the attention of Gordon Bednard
ALC File: #51924

Jim Halvorson
1246 Bazett Road
Duncan, BC V9L 5S8

Dear Sir:

Re: Application to Include land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 20/2011 outlining the Commission's decision as it relates to the above noted application.

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/Sketch Plan

cc: Municipality of North Cowichan Attn: Rob Roycroft
(file # 3025-290 10.04 folio 08601-000)

GB/lv
51924d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 26, 2010 at Nanaimo, BC.

PRESENT:	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Jerry Thibeault	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #51924
 Applicant: Jim Halvorson
 Agent: none
 Proposal: Inclusion of 0.3 ha portion of the subject property
 Legal: Lot 1, Sec 5 and 6, Rge 2 and 3, Comiakem Dist, Plan VIP77899
 Location: Bazett Road, North Cowichan

Site Inspection

A site inspection was conducted on November 26, 2010. Those in attendance were:

- Richard Bullock Chair
- Jennifer Dyson Vice Chair
- Niels Holbek Commissioner
- Jerry Thibault Commissioner
- Gordon Bednard Staff
- Jim Halvorson Applicant

The Commission viewed the area proposed for inclusion and discussed the application with Mr. Halvorson. The Commission noted that the proposed inclusion was a remainder of the subject property which was not in the ALR and that it formed a treed buffer between the agriculturally developed portion of the property and residential land uses to the east.

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 Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that even though the proposed

inclusion area is mostly treed and might not be developable for agricultural use, it formed an effective buffer between the farm and neighbouring residential lots to the east. The Commission therefore believes the proposal would have a positive impact on existing or potential agricultural use of the balance of the property.

Conclusions

1. That the proposal will positively impact agriculture.
2. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Jennifer Dyson

THAT the application be allowed as presented.

AND THAT the approval is subject to the following conditions:

- the registration of a covenant for the purpose of protecting the vegetative cover on that area of land, should it be a requirement of the local government.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 20/2011

Provincial Agricultural Land Commission

Application # 51924
Resolution #20/2011



Subject property



Area Approved for Inclusion into the ALR (0.3 ha)

This plan is accurate in width only when plotted at a scale of 1:750.

found.
not found.
not placed.
not found.
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not found.
not placed.

Registered Survey Area No. 10, The
of North Cowichan, NAD83 (CSRS).

Observations
measurements 3707 and 3708.
ground level distances
used. To compute grid distances
distances by combined factor 0.99962.

AN VIP77988

CERTIFICATE OF PENDING LITIGATION
REGISTERED OWNER OF CHARGE FB212157

SUSAN MARGARET MCKITRICK

Rem 1

PLAN

SECTION

PLAN 2789

Area in red to be included in the
Land Reserve.

Subdivision Layout - Halvorson

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R 4

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