



**Agricultural Land Commission**

133 – 4940 Canada Way  
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June 15, 2012

Reply to the attention of Liz Sutton  
ALC File: #52655

Michael Ker  
202 – 281 Canada Avenue  
Duncan, BC V9L 1T6

Dear Mr. Ker:

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

Please find attached the Minutes of Resolution #188/2012 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.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #188/2012

cc: Cowichan Valley Regional District (File: 2-E-11ALR)  
175 Ingram Street, Duncan, BC V9L 1N8  
Attention: Maddy Koch, Planning Technician  
Copy to ALC File: #J-34892



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 14, 2012 in the main boardroom of the Operating Engineers building located at #402 – 4333 Ledger Avenue, Burnaby, BC.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION ID: #52655

**PROPOSAL:** To construct a 213.7 m<sup>2</sup> (2,300 ft<sup>2</sup>) addition to the Sunrise Waldorf School for administration purposes.  
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

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### COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

After reviewing all file information presented, the Commission has concluded as follows:

1. The approved expansion plans in 2003/2004 (Application #J-34892) have not been completed. Based on the information provided, only Phase 1 of the expansion has been completed in the last 9 years. In addition, the applicant has not complied with the terms of approval, most notably, the requirement to submit a plan for the agricultural development of the non-school area.

**Conclusion:** Further expansion is inappropriate as there is already an opportunity to expand school facilities based on the incomplete build out associated with the Commission's 2003/2004 approvals.

2. The Commission is concerned about the potential continued growth of this facility beyond the area already approved. The Commission does not favour future expansion beyond the limits already approved as this will diminish agricultural opportunities in the future and move the property towards being primarily institutional. This potential land use shift is also contrary to the Commission's 2003/2004 decision wherein it requested a plan for the agricultural use of the non-school area of the property.

**Conclusion:** That the priority land use of the property is agriculture. The original decision to allow the school and subsequent approvals were all done on the basis of accommodating a small school facility of the property without impacting agricultural opportunities on the majority of the property. The Commission will honour its prior commitments but advises the applicant that should it plan to expand the school facilities beyond the limits already approved; the school should explore relocating outside the ALR.

**IT WAS**

**MOVED BY:** Commissioner Miles  
**SECONDED BY:** Commissioner Pranger

THAT the application be refused and the applicant again be requested to submit an agricultural development plan in accordance with the Commission's 2003 decision.

**CARRIED**

**Resolution # 188/2012**