



**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

December 18, 2012

ALC File: # 52655

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

Dear Mr. Ker:

**Re: Reconsideration Request – ALC Resolution #188/2012**

Please find attached the Commission's response to your request for reconsideration. As agent, it is your responsibility to notify your client accordingly.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Liz Sutton', is written over the printed name.

Brian Underhill, Executive Director

Enclosure(s): Reconsideration Response

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

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52655.

### 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:

Roger Cheetham	Regional Planner
Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

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### REQUEST FOR RECONSIDERATION

The Commission received an email dated October 17, 2012 requesting reconsideration of its decision recorded as Resolution #188/2012, by which, the proposal to construct a 0.02 ha addition to the Sunrise Waldorf School for administration purposes was refused.

**Owner:** Sunrise Educational Society  
**Agent:** Michael, Ker  
**Original Proposal:** To construct a 0.02 ha addition to the Sunrise Waldorf School for administration purposes. (Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

**Original Decision:** Refused. 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 (Resolution #621/2003). 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 honor 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.

**Current Request:** Reconsider the original proposal. The applicants believe that the Commission had not fully reviewed the original application information.

**Legal:** **PID: 001-738-127**  
Lot A, Sections 1 and 2, Range 2, Cowichan District, Plan 2160, Except Those Parts in Plans 33335 and VIP51586

**Location:** 4344 Peters Road, Cobble Hill

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#### LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33 (Reconsideration of decisions) of the *Agricultural Land Commission Act* states:

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.
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#### DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The reconsideration request and the file material were reviewed by the Commission and it was determined that the request did not contain new evidence that was unavailable at the time of its original decision, nor was evidence provided showing that the decision was based on information that was in error or false.

The Commission thoroughly reviewed the application information prior to reaching its May 14, 2012 decision.

The reconsideration request does not meet the requirements of Section 33 of the *Agricultural Land Commission Act* and as such reconsideration is not warranted. The original decision under Resolution #188/2012 remains in effect.