



Agricultural Land Commission
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November 29, 2006

Reply to the attention of Terra Kaethler
ALC File: J - 36626

Richard Nesbitt
2 - 271 Ingram Street
Duncan, BC V9L 1P3

Dear Richard Nesbitt:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 562/2006 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#2-B-05 ALR)

TK/lv/Encl: Minutes
36626d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 7, 2006 in Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	Donald Rugg	Commissioner
	David Craven	Commissioner
	Roger Cheetham	Staff
	Terra Kaethler	Staff

For Consideration

Application: # J - 36626
Applicant: Shawnigan Lake School
Proposal: To exclude the 12 ha of the subject 103.4 ha which is in the ALR. The area would be used for school related uses including the construction of dormitories.
Legal: PID: 025-440-730
Lot 1, Section 3,4 & 5, Range 2 & 3, Shawnigan District, Plan VIP73914
Location: 1975 Renfrew Road, Shawnigan Lake

Meeting

A meeting was conducted on November 6, 2006 at the Access Centre in Duncan, BC. Those in attendance were:

- Agent: Richard Nesbitt
- Commissioners: Lorne Seitz, David Craven, Donald Rugg
- Staff: Roger Cheetham, Terra Kaethler

Mr. Nesbitt confirmed that the staff report dated May 26, 2006, was received and no errors were identified.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The Commission considered that in spite of moderate limitations of agricultural capabilities in some areas, and non-farm use on the property, the subject property still contained agricultural capabilities.

Assessment of Agricultural Suitability

While there is currently significant non-farm development on the property which was previously allowed by the Commission, the Commission does not believe the development has rendered the land to be unsuitable for agricultural use. The Commission saw no reason that the proposed activities required the land to be removed from the ALR.

Resolution #562/2006
Application #J – 36626

Furthermore, the Commission saw no reason for the proposed expansion of the school grounds to be placed within the ALR. In fulfilling its mandate to preserve agricultural land, the Commission would prefer proposed and future development take place on non-ALR sections of the property.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.

IT WAS

MOVED BY: Commissioner Donald Rugg

SECONDED BY: Commissioner Lorne Seitz

THAT the application be refused as proposed.

CARRIED

Resolution # 562/2006



Staff Report
Application # J – 36626-0
Applicant: Shawnigan Lake School
Agent: Richard Nesbitt

DATE PREPARED: May 26, 2006

TO: Chair and Commissioners – Island Panel

FROM: Gordon Bednard, Regional Research Officer

PROPOSAL: To exclude the 12 ha of the subject 103.4 ha which is in the ALR. The area would be used for school related uses including the construction of dormitories.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

see previous applications below

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 025-440-730

Lot 1, Section 3,4 & 5, Range 2 & 3, Shawnigan District, Plan VIP73914

Purchase Date (m/d/y):

September 1, 1996

Location of Property:

1975 Renfrew Road, Shawnigan Lake

Size of Property:

103.4 ha

ALR Area:

12.0 ha

Present use of the Property:

Undeveloped, mainly forested, school related activities

Surrounding Land Uses:

- WEST:** Urban residential and forested lands out of ALR
- SOUTH:** Urban residential, out of ALR
- EAST:** Rural residential out of ALR
- NORTH:** Vacant forested land and some rural residential, out of ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.062
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Agricultural

Zoning Bylaw and Designation:

- A-1 Agriculture 12 ha MLS
- P-1 Public Assembly 1 ha MLS

PREVIOUS APPLICATIONS:

Application

#92-75-618

- Applicant:** Devries, Rinze & Margaret
- Decision Date:** September 1975
- Proposal:** To exclude the subject property from the ALR due to lack of agricultural potential
- Decision:** Allow 20 ha exclusion while keeping the best land in the ALR (the present subject lands)

Application #27991-0

- Applicant:** Devries, Rinze & Margaret
- Decision Date:** April 1993
- Proposal:** To subdivide the property along the ALR boundary
- Decision:** Allowed

Application #31985-0

- Applicant:** Shawnigan Lake School
- Decision Date:** May 28, 1998
- Proposal:** To expand the existing educational facilities lying south of the subject property. The applicant request permission to operate and maintain buildings and activities consistent with the operation of a private boarding school.
- Decision:** The Commission allowed the institutional use of the property subject to its review of a detailed site plan from the school which outlines the proposed development of the property and which also recognizes the better agricultural capability areas of the property.

Application #31985-1

- Applicant:** Shawnigan Lake School
- Decision Date:** February 25, 2003
- Proposal:** Richard Nesbitt has submitted a plan showing the proposed residential dorm

building proposed for the ALR area of the property.

Decision: On review of the proposed development plan and following the onsite inspection of February 25, 2003, the Commission voted to allow the development of the proposed dorm residence as located in the ALR portion of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Forwarded to the Commission with a recommendation for approval

STAFF COMMENTS:

While this is a large piece of ALR land, the agricultural capability ratings are only 25% class 3 or better. As well, the land is isolated from the balance of the ALR in the Cowichan Valley area by a considerable distance. Given that the historical use of the land is for school purposes and there has never been farming on the land (at least over the last 50-60 years), staff sees the likelihood of this area being use for agriculture in the future as minimal. Staff therefore recommends allowance of the application.

END OF REPORT

Signature

Date