



**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

May 24, 2007

Reply to the attention of Terra Kaethler  
ALC File: #J - 37287

Robert Garrett  
4B - 1840 Cedar Road  
Nanaimo, BC V9X 1H9

Dear Sir:

Re: Application to Include land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 208/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a large, light-colored scribble or watermark.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#6-H-06ALR)

Enclosure: Minutes/Sketch Plan

TK/lv  
37287d1.



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 26, 2007 in Comox, B.C.

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

### For Consideration

Application: # J- 37287  
 Applicant: John Edwards  
 Agent: Robert Garrett  
 Proposal: To include the 9.3 ha subject property into the ALR. See joint application for subdivision #J-37288.  
 Legal: PID: 000-750-808  
 Lot 100, Oyster District  
 Location: 13020 and 12850 Doole Road, Ladysmith

A site inspection was conducted on April 25, 2007. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- David Craven                    Commissioner
- Donald Rugg                    Commissioner
- Terra Kaethler                 Staff
- John Edwards                 Applicant
- Toni Gatland                    Applicant for joint proposal #J-37288
- Robert Garrett                Agent

The Commission met the agent and applicant of joint proposal J-37288 on Lot 1. After discussing the proposal on site, the Commission took Doole Road to view the subject parcel to be included. The Commission discussed with the applicants that the northern portion of Lot 1 is isolated from the rest of the property for approximately 8 months of the year due to flooding in the southern portion.

### 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**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land.

The Commission considered that the boundary adjustment between the two lots would be a benefit to agriculture as the southern portion of Lot 1 would become accessible to the subject property as opposed to being isolated for much of the year due as it is currently. The Commission also understands that it is the intention of the applicants that the current use of the land remains the same. Therefore, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Further, the Commission appreciates the inclusion application for the subject property and considered this to be a benefit to agriculture in the region.

**IT WAS**

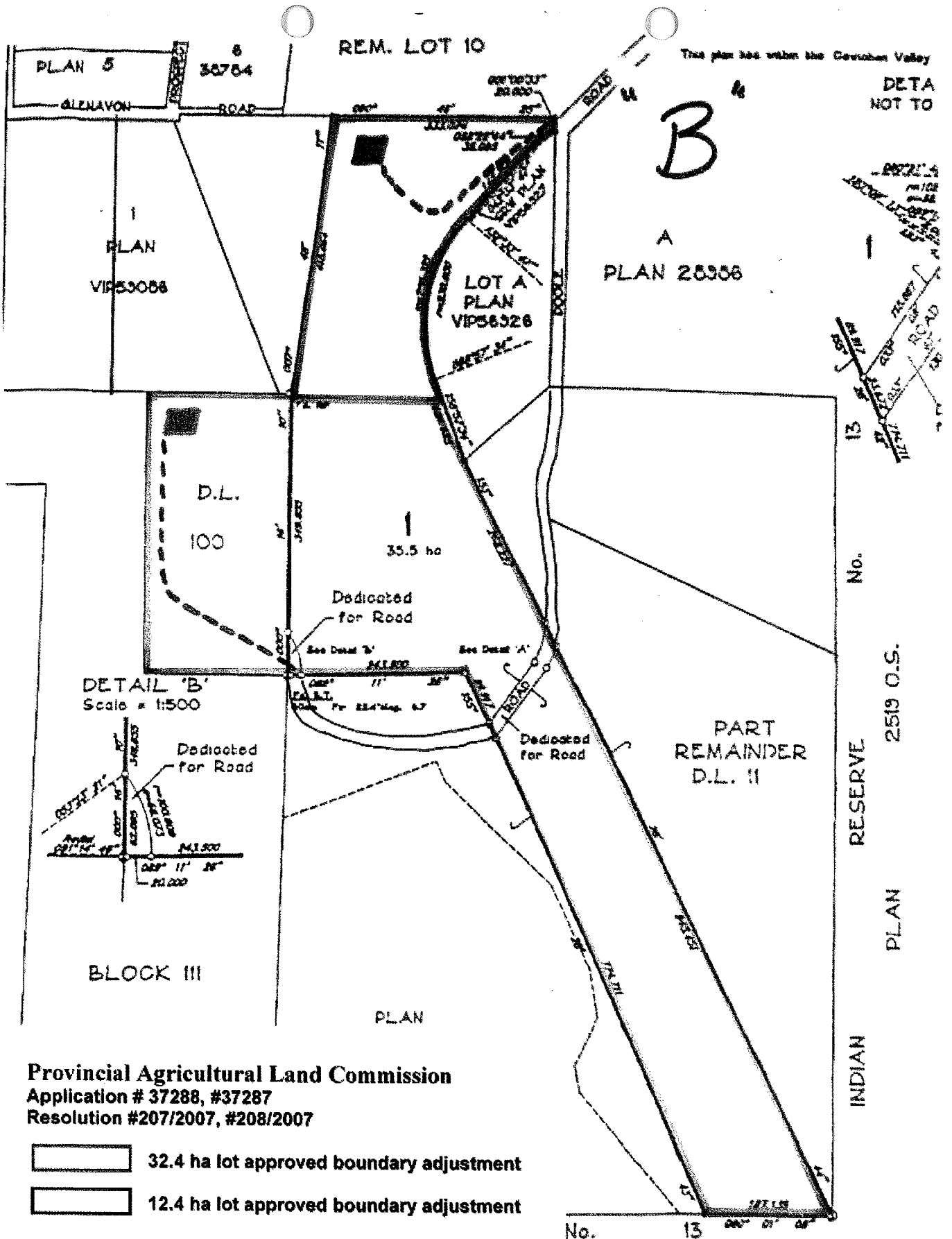
**MOVED BY:** Commissioner Rugg  
**SECONDED BY:** Commissioner Seitz

THAT the application to include the 9.3 ha subject property into the ALR be approved.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**

**Resolution # 208/2007**



Provincial Agricultural Land Commission  
 Application # 37288, #37287  
 Resolution #207/2007, #208/2007

- 32.4 ha lot approved boundary adjustment
- 12.4 ha lot approved boundary adjustment
- Approved lot for inclusion into the ALR**

No. 13



**Staff Report**  
**Application # J – 37287**  
**Applicant: John Edwards**  
**Agent: Robert Garrett**  
**Location: Northeast of Ladysmith**

**DATE RECEIVED:** March 12, 2007

**DATE PREPARED:** April 16, 2007

**TO:** Chair and Commissioners – Island Panel

**FROM:** Brandy Ridout, Land Use Planner

**PROPOSAL:** To include 9.3 ha into the ALR. See application #J-37288.

This application is made pursuant to section 17(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

A concurrent application, #J-37288, proposes to adjust the boundary between the subject property and a 35.5 ha lot (in the ALR) to create a 32.4 ha lot and a 12.4 ha lot, both of which would be completely in the ALR.

**Local Government:**

Cowichan Valley Regional District

**Legal Description of Property:**

PID: 000-750-808  
Lot 100, Oyster District

**Purchase Date:**

December 2003

**Location of Property:**

12850 Doole Road, Ladysmith

**Size of Property:**

9.3 ha (The entire property is outside the ALR).

**Present use of the Property:**

Farming

**Surrounding Land Uses:**

**WEST:** Hobby Farm  
**SOUTH:** Indian Reserve  
**EAST:** Farm  
**NORTH:** Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92G.001  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Electoral Area "H" OCP Bylaw No. 1497  
Designation: Forestry

**Zoning Bylaw and Designation:**

Area "H" Zoning Bylaw No. 1020  
Designation: F-1  
Minimum Lot Size: 20 ha (F-1)

**PREVIOUS APPLICATIONS:**

**Application #27915-0**

**Applicant:** Robert Gourley  
**Decision Date:** April 6, 1993  
**Proposal:** To subdivide a 6 ha lot lying outside the ALR leaving a remainder of 124 ha, of which approximately one half lies within the ALR.  
**Decision:** Allowed on the grounds that it did not affect the ALR portion of the property.

---

**Application #27915-1**

**Applicant:** Robert Gourley  
**Decision Date:** July 15, 1993  
**Proposal:** To subdivide the ALR portion of the property from the non-ALR portion, creating a 36 ha property lying wholly within the ALR.  
**Decision:** Allowed subject to a 20 meter natural buffer on the southern, eastern and southwestern non-ALR boundaries and the construction of a barbed wire fence around the new ALR lot.  
The conditions were subsequently altered through reconsideration requests.

**RELEVANT APPLICATIONS:**

**Application #35558-0**

**Applicant:** Wyndlow Farms Ltd  
**Decision Date:** October 14, 2004  
**Proposal:** Wyndlow Farms Ltd (Keith Wyndlow) is requesting permission to subdivide a 2 ha lot from the northeastern corner of the property for future residential use for his son. The proposed lot is in an area of poor agricultural capability and the proposed home on the lot would be located on a rock outcrop. The subdivision is to enable the son to own his own property and assist in carrying on the main farming operations.  
**Decision:** Allowed on the grounds that the land under application has little utility for agriculture and subdivision will not impair use of the balance of the property for agriculture.

---

**CURRENT APPLICATIONS**

**Application #37288-0**

**Applicant:** Toni Gatland

**Decision Date:** Currently under consideration.

**Proposal:** To adjust the boundary between a 9.3 ha lot (out of the ALR) and a 35.5 ha lot (in the ALR) to create a 32.4 ha lot and a 12.4 ha lot. The original 9.3 ha lot would be included into the Agricultural Land Reserve.

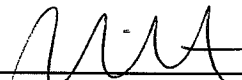
**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Cowichan Valley Regional District Board:** Forwarded the application with a recommendation of approval, subject to Lot 100 being included within the Agricultural Land Reserve, Lot 100 being rezoned to A-1, and the existing covenant being amended to include both subject properties.

**ATTACHMENTS:**

- ALR map (1:50,000 and 1:10,000)
- Air photo
- Letter from applicant's agent regarding proposal (with 3 maps)

**END OF REPORT**

  
\_\_\_\_\_  
Signature

April 16, 07  
\_\_\_\_\_  
Date