



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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Fax: 604 660-7033
www.alc.gov.bc.ca

November 21, 2007

Reply to the attention of Terra Kaethler
ALC File: J-37573

Focus Corporation Ltd
552 Trunk Road
Duncan, BC V9L2R1

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 546/2007 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.

Please send two (2) paper prints of the final survey plans and a copy of the draft restrictive covenant to this office. The Commission will review the covenant and if acceptable will direct you to have the final documents prepared in registerable form for execution.

When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan and covenant.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

cc: The Corporation of the District of North Cowichan

Enclosure: Minutes/Sketch Plan

TK/37573d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 11, 2007 in Shawnigan Lake, B.C.

PRESENT:	Erik Karlsen	Chair
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 37573
Applicant: Audrey and John Funk
Agent: Focus Corporation Ltd
Proposal: To subdivide a 1 ha lot from the 13.7 ha subject property.
Legal: PID: 002-743-931
Lot 1, Section 16 & 17, Range 5, Somenos District, Plan 26224
Location: 7026 and 7028 Westholme Road, Duncan

Site Inspection

A site inspection was conducted on October 10, 2007. Those in attendance were:

- Erik Karlsen Chair
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Richard Wright Agent (Focus)
- Audrey and John Funk Applicants

The Commission walked the property with the applicants and noted that there were two dwellings on the property and that the property was currently used for grazing and hay production. The applicants informed the Commission that a subdivision would allow their son to move to the property to help with the farm. The property was relatively flat, except for a steep slope on the Northwest side of the property which led down to the Railway.

The applicants confirmed that the staff report dated August 17, 2007, was received and no errors were identified.

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 reviewed the Land Capability Assessment Report, as submitted by Madrone Services. The Commission accepted the report's findings that the majority of the property was improvable to Class 3 and that the northwest portion of the property leading to the Highway and Railway was Class 7.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission discussed that the second house had been approved by the Commission over 10 years ago, and had been consistently occupied since that time. The Commission recognized that the property is a working farm, and that a subdivision would enable a family member to continue the farm operation.

However, the Commission believed that the subdivision as proposed was larger than necessary, and would prefer to see the majority of the property kept intact with the remainder of the farm property. Therefore the Commission felt that a subdivision of approximately 0.8 ha, at the fence line and including the existing septic field, would be more appropriate. The Commission does not believe that a smaller subdivision around the second dwelling would negatively impact existing or potential agricultural use of the property or surrounding lands.

The Commission also believed that a restrictive covenant on additional residences on both properties, as suggested by the applicant, would minimize any potential, long-term impact on the property.

The Commission appreciated the comments by the Regional District and advisory committees, but upon the site inspection, the Commission considered that, in this particular case, allowing a subdivision for the applicant's family member would support the intergenerational transfer of the farm and encourage the ongoing agricultural use of the property.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused as proposed, but that a subdivision of approximately 0.8 ha be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan attached, limited to an area of approximately 0.8 ha
- the registration of a covenant for the purpose of prohibiting more than one additional residential building on each parcel
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 546/2007

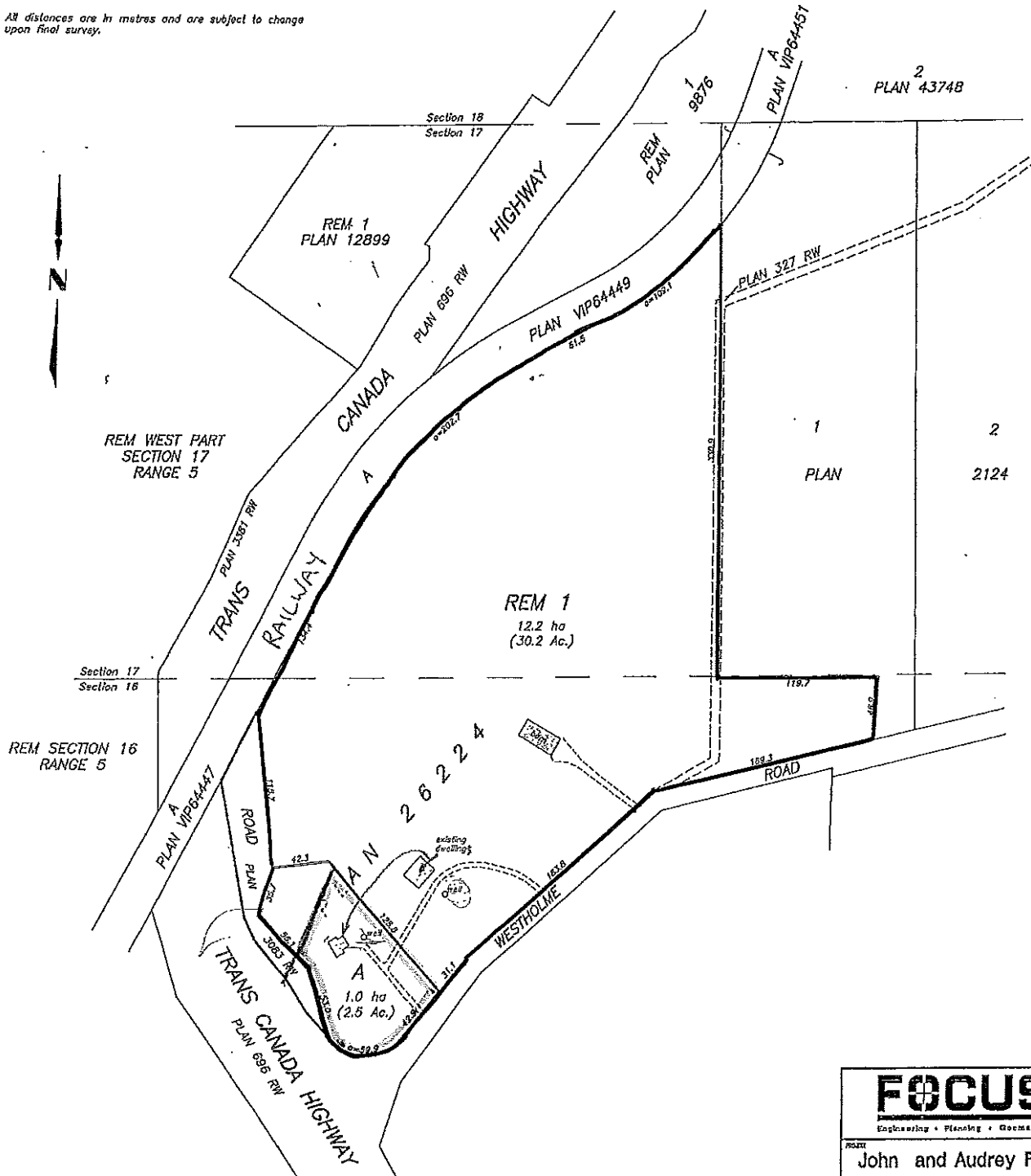
PLAN OF PROPOSED SUBDIVISION OF PART OF LOT 1, SECTIONS 16 AND 17, RANGE 5, SOMENOS DISTRICT, PLAN 26224

Scale = 1:2000



NOTE:

All distances are in metres and are subject to change upon final survey.



Provincial Agricultural Land Commission
 Application # 37573
 Resolution #546/2007

- Subject Property
- Approved Subdivision of 0.8 ha

FOCUS Engineering • Planning • Geomatics		
PROJECT John and Audrey Funk		
PROJECT NO. 012204-03 SHEET NO. PROPOSED SUBDIVISION		
DRAWN EN & VS	DATE May 4, 2007	SHEET NO. 012204-00PS1
CHECKED	1:2000	