



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: # J-37910

April 18, 2008

Deane Strongitharm
Cityspaces Consulting Ltd
5th Floor - 844 Courtney Street
Victoria, BC V8W1C4

Dear Sir:

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

Please find attached the Minutes of Resolution # 151/2008 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: The Municipality of North Cowichan (3025-20-07-05)

Enclosure: Minutes

TK/
i/37910d1.doc



A meeting was held by the Provincial Agricultural Land Commission on March 19, 2008 in Colwood, B.C.

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

For Consideration

Application:	# J- 37910
Applicant:	Mike Taylor
Agent:	Strongitharm Consulting Ltd
Proposal:	Non-farm use to continue operation of an existing sawmill operation.
Legal:	PID: 008-414-882 Lot 11, Section 7, Range 2, Comiaken District, Plan 870, EXCEPT That Part Thereof Shown Outlined in Red and Marked S on Plan 500 B.L.
Location:	1793 Stamps Road, Duncan

Site Inspection

A site inspection was conducted on March 18, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Deane Strongitharm Agent
- Mike Taylor Applicant
- Neighbours of Applicant (approximately 10 people)

The Commission met with the representatives of the application on the subject property. Several neighbours were also present who discussed their support for Mr. Taylor. The Commission noted the location of the mill as well as the storage of logs on the property. The mill was turned on and the Commission observed the level of noise when in use.

The Commission also met with the adjacent vineyard owners, who raised concerns about the impact of the industrial activity next door to his vineyard business, particularly the noise level of the mill, the smoke from burning of wood waste, and the recent placement of trees abutting the property line.

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. It noted the support for the applicant from the community and discussed that the mill had existed in its present location for many years. While a mill has likely been in place in some capacity on the property since before the introduction of the ALR, it appears to have expanded in size and capacity since that time. The Commission was also sympathetic to the adjacent vineyard owner's concerns regarding a non-compliant industrial use within the ALR.

The Commission was of the view that the current mill operation is beyond what is permitted within the ALR, in accordance with the *Agricultural Land Commission Act and Regulations*, and cannot be allowed to continue indefinitely on the property.

However, the Commission considered that the mill could be allowed to continue operating under a Temporary Industrial Use Permit issued by the Municipality, for a maximum of four (4) years, to allow a substantial transition period to find a suitable alternative location or to shut down the business.

The Commission also discussed that an approval would be subject to conditions such as limited business hours, restrictions on burning, and the maintenance of the trees on the property boundary of the adjacent vineyard. The Commission believed these conditions would minimize the impact on the adjacent vineyard as well as the agricultural use of other surrounding lands for the time period the mill is allowed to continue.

IT WAS

MOVED BY: Commissioner Rugg
SECONDED BY: Commissioner Seitz

THAT the operation of the mill be allowed to continue for a period of four (4) years.

AND THAT the approval is subject to the following conditions:

- that milling be confined to Monday through Friday, 8:30 am - 5:00 pm
- that the burning of wood waste on the property be prohibited
- that the trees providing a vegetative screen to the adjacent vineyard property to the east be a minimum of 20 meters from the property boundary and be maintained to a maximum height of 3 meters

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 # 151/2008

Provincial Agricultural Land Commission

Application # I-37904

Resolution # 154/2008



Subject Property



Approved location of temporary non-farm use



