



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Reply to the attention of Terra Kaethler  
ALC File: J-38170

August 18, 2008

Grande Developments Ltd  
122 Station Street  
Duncan, BC V9L1M7

Dear Sir:

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

Please find attached the Minutes of Resolution # 424/2008 outlining the Commission's decision as it relates to the above noted application.

Since your proposal was not approved, the Commission draws your attention to section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements for reconsideration.

S.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.

(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

Also note that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration.

The time limit for submitting a reconsideration request is one year from the date of this letter. After one year, no requests for reconsideration will be entertained.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: Municipality of North Cowichan (3025-20-08-01)

Enclosure: Minutes/Sketch Plan  
TKI/38170d1.doc





**A meeting was held by the Provincial Agricultural Land Commission on July 15, 2008 in Comox, B.C.**

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

**For Consideration**

Application: # J- 38170  
Applicant: Grande Developments Ltd  
Proposal: Non-farm use to construct a motel at the front southwest corner of the property. A 2.0 ha area at the north end of the site that is now used as a par three golf course is proposed to be developed for agriculture production  
Legal: PID: 005-287-693  
Lot 1, Section 18 and 19, Range 6, Quamichan District, Plan 9384, EXCEPT Plan 39079, VIP52075  
Location: 2591 Beverly Street, North Cowichan

**Site Inspection**

A site inspection was conducted on July 15, 2008. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- David Craven                    Commissioner
- Jennifer Dyson                 Commissioner
- Terra Kaethler                 Staff
- Rob Winter                      Applicant

The Commission met with the applicant and viewed the area proposed for a motel. It was noted that the motel would replace the existing go-cart track and is on a portion of the property adjacent to the road and already impacted by previously approved non-farm uses. The applicant's proposal to develop the northern portion of the property for agriculture was discussed as well as possible crops that might be suitable for that portion of the property, which had an excess of water.

**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 was the Commission's view that although the go-cart track and other non-farm uses present on the property have reduced the potential for agriculture on the property, the current activities could be removed and the property remediated to allow for agricultural use in the future. However, the addition of a permanent building such as the proposed motel would almost certainly preclude any possibility of future agriculture use of the proposed site.

As such, the Commission believed the proposal would impact the existing or potential agricultural use of the subject property and surrounding lands. While the Commission does not dispute the applicant's claim that accommodation is needed in the area, it does not believe that the development of such a facility is warranted on the subject property. It is believed that there are sufficient areas outside of the ALR to accommodate this type of non-farm use.

The Commission also discussed the applicant's proposal to develop the northern portion of the property for agriculture. Based on the discussion with the applicant at the site visit, and the lack of information provided with the application, it was evident to the Commission that the applicant had not researched the feasibility of agricultural production on the subject property and that no agricultural plans were in place. As such, the Commission was not prepared to consider the proposed agricultural development as a benefit which would warrant the proposed motel.

### **Conclusion**

That the proposal will impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Seitz

**SECONDED BY:** Commissioner Dyson

THAT the application be refused.

### **CARRIED**

**Resolution # 424/2008**