



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler
ALC File: J-38529

February 4, 2009

Tom Weisbeck
4370 Gallagher's Drive E
Kelowna, BC V1W3Z8

Dear Sir:

Re: Application for Transportation Corridor the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 8/2009 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.

When the Commission confirms that all conditions have been met, it will notify you to send two (2) paper prints of the final survey plans to this office and authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Cowichan Valley Regional District

TK/
i/38529d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 13, 2009 in Ladysmith, B.C.

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

For Consideration

Application: # J- 38529
 Applicant: CRC Canadian Retirement Corporation
 Agent: Tom Weisbeck
 Proposal: To locate a cul-de-sac and some parking within the ALR for residential development in an area previously excluded from the ALR.
 Legal: PID: 015-933-369
 Lot A, of Section 12, Range 9, of Sections 11, 12 and 13, Range 10, Shawnigan District, Plan 50183
 Location: Arbutus Ridge Development & Golf Course

Site Inspection

A site inspection was conducted on January 13, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Tom Weisbeck Agent

The Commission met with the agent on site and walked the area of the proposed cul-de-sac and parking area. It was noted that the proposed area was surrounded by residential use outside of the ALR and that the ALR portion of the property was utilized as a golf course. The proposed lots surrounding the cul-de-sac had not been sold and no dwellings had been built at the time of the site inspection. The agent informed the Commission that the area behind the cul-de-sac, which was within the ALR, would be landscaped.

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 considered that the ALR portion of the property was currently utilized as a golf course. However, the Commission considered that the soil capability ratings of the property reflected prime capability for agricultural use and that the property could thus support a broad range of agricultural activity should it be needed in the future.

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Although the Commission recognized that the proposed site of the cul-de-sac and parking area was small, it was also of the view that, with proper planning, infringement into the ALR could have been avoided. The Commission had previously allowed exclusion of portions of the subject property for residential development, and did not believe that further development of the ALR portion of the subject property was warranted.

However, at the site visit, the Commission discussed with the agent the possibility of providing a benefit to agriculture that would offset any potential negative impact of the proposal. The idea of a community garden for nearby residents was discussed, either in the location of the area adjacent to the proposed cul-de-sac, or in another more suitable location on the property. The Commission had no objection to the delineation of a strata lot subdivision for common property to provide space for a community garden, and was of the view that this would offset any potential negative impact of the proposal.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the development of a community garden would offset any potential negative impact of the proposal.

IT WAS

MOVED BY: Commissioner Seitz \

SECONDED BY: Commissioner Dyson

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- That the location of the cul-de-sac and parking area be in substantial compliance with the plan submitted with the application.
- That a common strata lot of a minimum of 0.4 ha be created to provide for a community garden and that a site plan be presented for Commission review.
- That a letter of undertaking of the applicant's commitment to the provision of the land, services and infrastructure (to include the distribution of water, fencing, a tool shed and raised beds) and the preparation of the soils of the community garden site be submitted.
- That provision of a Letter of Credit for \$20,000 be posted to the strata corporation to authorize the use of the funds in the event that the applicant fail to meet these conditions be submitted.
- That a written agreement from the strata outlining support for the conditions above and agreement for the continued management of the community garden be submitted.
- That the community garden must be completed within three (3) years from the date of this decision.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

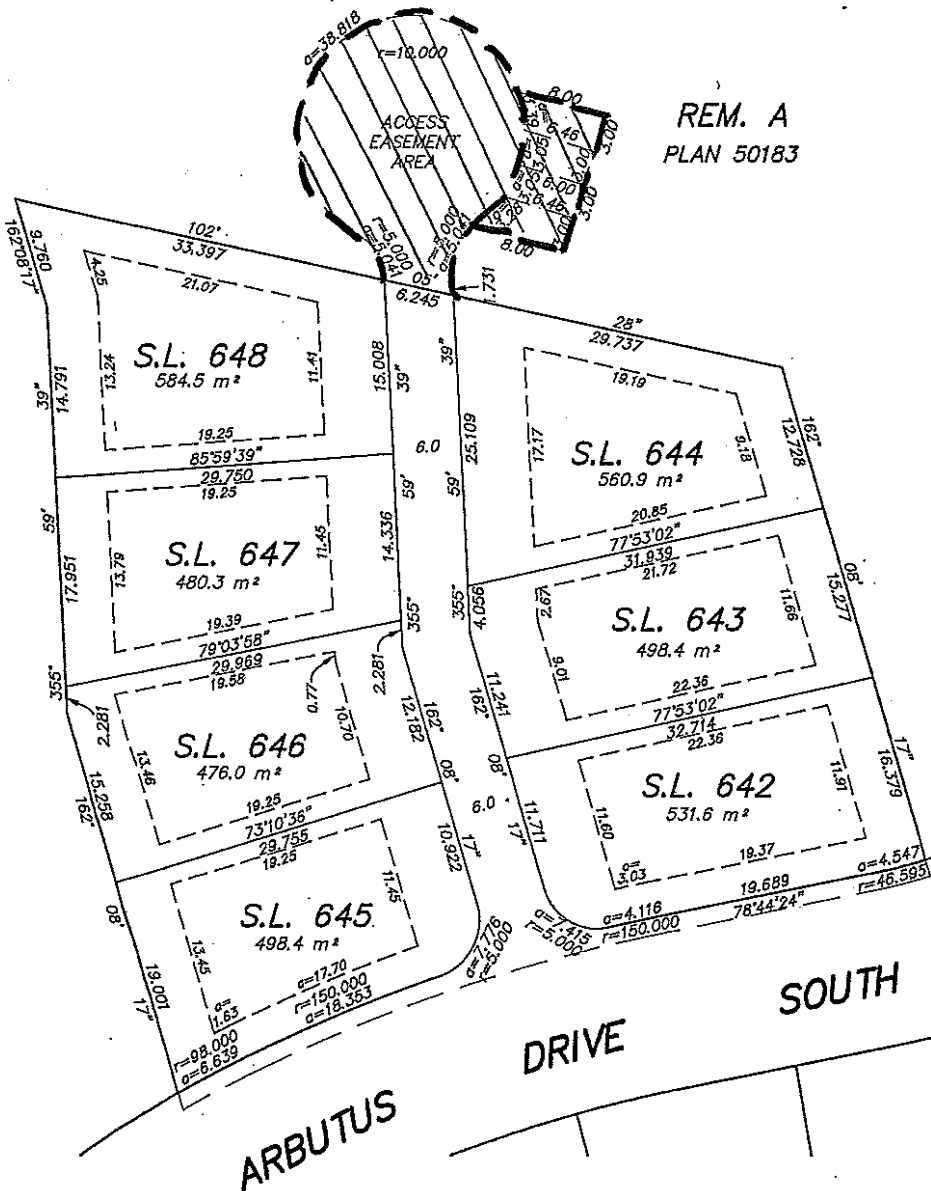
- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision 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.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 8/2009

PLAN SHOWING PROPOSED PHASE 20, STRATA PLAN 1601,
 PART OF LOT 1,
 OF SECTION 12, RANGE 9, AND OF
 SECTIONS 11, 12, AND 13, RANGE 10,
 SHAWNIGAN DISTRICT, PLAN VIP57684
 EXCEPT; PART IN STRATA PLAN 1601 (PHASE 15),
 (PHASE 16), (PHASE 17), (PHASE 18), AND (PHASE 19)



REM. A
 PLAN 50183

CERTIFIED CORRECT DATED THIS
 24th DAY OF JANUARY, 2006.

B. C. L. S.

Provincial Agricultural Land Commission
 Application # 38529
 Resolution #8/2009



Approved area of cul-de-sac and parking



1 : 500
 ARE IN METRES

January 24, 2006
 FILE 7307-136