



Agricultural Land Commission
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10th December 2010

Reply to the attention of Ron Wallace
ALC File 36446

Mr. and Mrs. Lightburn
Will-O-Bend Golf and RV Park Ltd.
Box 60
Jaffrey, BC
V0B 1T0

Dear Mr. and Mrs. Lightburn:

Re: Request for Reconsideration

This is in response to your letter, received in this office on 24th October 2010, and the subsequent letter dated 4th November 2010 sent on your behalf by your agent Hal Anderson. In the letters you have asked the Provincial Agricultural Land Commission to amend the terms of the covenant required in terms of Resolution 512/1992.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 2806/2010 outlining its latest decision.

We look forward to receiving the amended covenant for the Commission's signature in due course.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

cc: Hal Anderson, PO Box 73, Jaffrey, BC, V0B 1T0
Regional District of East Kootenay (P705-215)
Registrar of Land Titles, Kamloops

Enclosure: Minutes
rc/36446d2



A meeting was held by the Provincial Agricultural Land Commission on 17th November 2010 in Nelson, BC

PRESENT:	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

For Consideration

In a letter dated November 4, 2010 the applicant has requested that a covenant which restricts the buildings that can be erected on the subject property be amended to enable the applicant to build a workshop for the purpose of maintaining the necessary equipment for the golf course and R.V. Park. The covenant was required as a condition of the approval of the Commission for the development in 1992.

Application:	36446
Applicant:	Will-O-Bend Golf and RV Park
Agent:	Hal Anderson
Legal:	PID: 015-194-736; Lot 2, District Lot 6206, Kootenay District, Plan 2465 PID:008-466-777; Lot1, District Lot 6206, Kootenay District, Plan 2756, Except Parts Included in Plans 4683, 12439 and 17858
Location:	2370 Highway 3/93 Jaffrey

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

S33(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, or
- (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant had provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

The Commission noted that the workshop is for the purpose of maintaining the necessary equipment for the golf course and RV Park and is proposed to be located next to the sewage treatment works on the portion of the property where the RV Park is located. The Commission considered that the facility was an important part of the golf course and RV park uses that have already been approved and it therefore had no objection to the amending of the covenant to accommodate the workshop.

IT WAS

MOVED BY: Commissioner G. Gillette

SECONDED BY: Commissioner B. Minor

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the Commission agree to the amending of the covenant to include a maintenance workshop under the uses permitted under 2.a) page 3 of the terms and conditions relating to the second schedule of Covenant XF 025093.

CARRIED

Resolution # 2806/2010