



Agricultural Land Commission
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May 12, 2010

Reply to the attention of Gordon Bednard
ALC File: #51349

Stephen and Arlene Hobson
PO Box 1478
13801 Hill Road
Ladysmith, BC V9G 1G7

Dear Sir and Madam:

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

Please find attached the Minutes of Resolution # 2434/2010 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes/covenant example

cc: Cowichan Valley Regional District

GB/lv
/51349d1

The agricultural capability of the soil of the subject property is

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- P stoniness
- R shallow soil / bedrock outcroppings

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. As the existing dwelling (proposed for the mother's use) is located on the poorer soils (class 7R) the Commission does not believe the proposal would impact existing or potential agricultural use of the subject, or surrounding lands.

Conclusions

1. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Niels Holbek

SECONDED BY: Commissioner Jennifer Dyson

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the registration of a covenant for the purpose of restricting the residential use to the parent of the applicant and restricting the sale of the property with the second dwelling in place.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2434/2010