



Agricultural Land Commission
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June 2, 2011

Reply to the attention of Gordon Bednard
ALC File: #52173

Michael and Caroline Patterson
8818 W 24th Avenue
Vancouver, BC V6S 1L9

Dear Sir and Madam:

Re: Application to Include land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 187/2011 outlining the Commission's decision as it relates to the above noted application.

The Commission will notify the Registrar of Titles that by the above order all lands contained within the subject property now lie within the ALR and the title must be endorsed with the ALR notation.

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 white background.

Brian Underhill, Executive Director

Enclosure: Minutes/

cc: Islands Trust – Mayne Island Attn: Andrea Pickard
BC Land Title & Survey, Victoria (with copy of Minutes)

GB/eg
/52173d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 9, 2011 at Campbell River, BC.

PRESENT: Jennifer Dyson Vice Chair
Niels Holbek Commissioner
Denise Dowswell Commissioner
Gordon Bednard Staff

For Consideration

Application: #52173
Applicant: Michael and Caroline Patterson
Agent: n/a
Proposal: Inclusion of 0.5 ha to facilitate the local government approval of a second dwelling (Commission has already approved a second dwelling by an earlier Resolution #228/2003)
Legal: Parcel H, (DD98982I) Section 19, Pender Island, Cowichan District
Location: Hooson Road, Pender Island.

Site Inspection

- No site inspection was conducted in reviewing this inclusion application

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

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that the approval of this application will have no negative impact on the agricultural potential of this or surrounding properties.

Assessment of Other Factors

The Commission recalled application #34798 (iD # 39726) which approved the siting of a second dwelling on the property subject to the inclusion of the non-ALR area of the property into the ALR. This application facilitates the second dwelling by including the non-ALR 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 allowed as presented.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 187/2011