

ATTACHMENT 6

Glenn Morris

From: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Sent: Tuesday, December 19, 2023 4:45 PM
To: Eilis Desmond; Collins, Martin ALC:EX
Cc: ALC Island Land Use ALC:EX; ALC Portal ALC:EX; ALC Referrals ALC:EX; Angela Davies
Subject: RE: Notice of Intent ID: 69169

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Eilis,

Thank you for doing so as it would be beneficial to ensure everyone is looped in on the next steps.

Please note that upon further discussion with senior staff/upper management, the direction of a Non-Farm Use application would be the next best course of action for the proposal.

Martin and other members at the ALC have been made aware of the next steps and that a Notice of Intent (NOI) cannot approve your proposal due to section 23 (b) of the ALR Use Regulations.

Again, I sincerely apologies for any inconvenience this may have caused and the ALC truly appreciates the great lengths you and Angela have taken to ensure your proposal will be compliant with ALC's regulation and policies.

Sincerely,



PROVINCIAL AGRICULTURAL LAND COMMISSION

Patricia Sarroca

Soil Resource Officer | Agricultural Land Commission

201 – 4940 Canada Way, Burnaby, BC, V5G 4K6

T: 236-468-3343 | F 604.660.7033

ALC.Soil@gov.bc.ca | <http://www.alc.gov.bc.ca>

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From: Eilis Desmond <edesmond@sPCA.bc.ca>
Sent: Tuesday, December 19, 2023 4:18 PM
To: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>; Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>; ALC Portal ALC:EX <ALC.Portal@gov.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; angela.davies@northcowichan.ca
Subject: Re: Notice of Intent ID: 69169

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hi Patricia,

I received the attached mail from [@Collins, Martin](#) earlier which states the use is permitted, could you both please clarify?

I have also cc'd Angela Davies here to loop her in to the discussion.

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

1245 East 7th Avenue

Vancouver, BC V5T 1R1

Direct: (236) 471-5240 Ext. 5240

edesmond@spca.bc.ca • spca.bc.ca

Animal Cruelty and Wildlife Hotline: 1.855.622.7722



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ulh Sníchim speaking peoples - Skwxwú7mesh Uxwumixw (Squamish) Nation, whose historical relationships to the land continue today.

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From: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>

Sent: Tuesday, December 19, 2023 4:01 PM

To: Eilis Desmond <edesmond@spca.bc.ca>

Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>; ALC Portal ALC:EX <ALC.Portal@gov.bc.ca>; ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>; Collins, Martin ALC:EX <Martin.Collins@gov.bc.ca>

Subject: RE: Notice of Intent ID: 69169

Hi Eilis,

Thank you for providing the additional attachments.

Firstly, I want to apologies if there has been a misunderstanding with regards to *section 23- Keeping Animals*, in the ALR Use Regulations. I have spoken with upper management with regards to your proposal to ensure you are directed to the appropriate next steps. Please note the following:

As per [section 23 Keeping of Animals, Under Division 2 – Permitted Non-Farm Uses That May Be Prohibited of the ALR Use Regulation](#), which states:

Keeping animals

23 The following uses of agricultural land are permitted but may be prohibited as described in section 20:

- (a) pet breeding and boarding;
- (b) sheltering and caring for surrendered, abandoned or seized livestock;
- (c) providing a refuge for wildlife within the meaning of the [Wildlife Act](#).

The ALC's understanding of the purpose of your proposal is to replace the existing SPCA and replace it with a new shelter to better fit the needs of sheltering and caring for dogs, cats and rabbits. Therefore, ALC authorization through an application would be required as those animals do not fall under livestock as stated in section 23 (b) of the ALR Use Regulation, which only speaks to surrendered, abandoned or seized livestock. As mentioned previously, if there has been no previous ALC authorization regarding the use of the Property for the Animal Centre, a Non-Farm Use application must be made. Unfortunately, the Notice of Intent (NOI) process can only approve soil and/or fill proposals that are a permitted use of the ALC's Act and Regulation.

To further clarify if an application is required for the "use" (i.e., the proposal is not a permitted use in the ALR Use regulation), then an application to the Commission would be required since the "use" cannot be contemplated in the NOI process and should be reviewed by the Commissioners as an application.

Although, the soil removal/fill placement component of a proposal can be considered through the NOI process (***though if an application is outright required, then the soil/fill component should be combined under that one application***); however, NOI decision makers (i.e., the CEO and delegates of the CEO) cannot approve fill placement and/or soil removal proposals where the use is not permitted in the ALR Use Regulation. NOI decision makers (i.e., the CEO/Delegates of the CEO) are delegated decision-making powers from the Commission (i.e., the Commissioners) to make decisions within the scope of an NOI.

An Application can be submitted using the [ALC Online Portal](#). Instructions on how to submit an application can be found here: [Making an Application](#). Additionally, I have cc'd the ALC Island Panel (ALC.Island@gov.bc.ca) as they would be better equipped to assist you through the application process.

Please let me know if you have any questions or concerns.

Sincerely,



Patricia Sarroca

Soil Resource Officer |
Agricultural Land
Commission

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Burnaby, BC, V5G 4K6

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From: Eilis Desmond <edesmond@sPCA.bc.ca>
Sent: Monday, December 18, 2023 11:08 AM
To: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Subject: Re: Notice of Intent ID: 69169

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Hi Patricia,

I've been in contact with Angela Davies, Development Planner at North Cowichan, and she advised that she has previously been in contact with ALC staff who confirmed that the SPCA is considered a permitted non-farm use. Please see attached email correspondence from Angela and some relevant docs related to the zoning amendment, please let me know if you need any additional information?

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

1245 East 7th Avenue

Vancouver, BC V5T 1R1

Direct: (236) 471-5240 Ext. 5240

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From: Eilis Desmond <edesmond@spca.bc.ca>
Sent: Thursday, December 14, 2023 12:00 PM
To: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Subject: Re: Notice of Intent ID: 69169

Hi Patricia,

Thanks for the information, as the centre has been in operation since 1996 I assume we must have received authorization at some point but I will look into it.

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

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From: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Sent: Thursday, December 14, 2023 11:48 AM
To: Eilis Desmond <edesmond@spca.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Subject: RE: Notice of Intent ID: 69169

Hi Eilis,

I apologies for the delay in getting back to you – I was awaiting a response before providing you directions for the next steps regarding your proposal.

The ALC understands the following regarding your proposal:

- The existing BC SPCA Cowichan Animal Centre would be demolished and be replaced by a center on the same site;
- The shelter has dogs, cats, and rabbits;
- The construction of the new shelter is due to the age of the existing shelter and no longer meets the standards required for optimal care of animals on site;

Please note [section 23 Keeping of Animals, Under Division 2 – Permitted Non-Farm Uses That May Be Prohibited of the ALR Use Regulation](#), which states:

Keeping animals

23 The following uses of agricultural land are permitted but may be prohibited as described in section 20:

(a) pet breeding and boarding;

(b) sheltering and caring for surrendered, abandoned or seized livestock;

(c) providing a refuge for wildlife within the meaning of the [Wildlife Act](#).

As mentioned, the BC SPCA Cowichan Animal Centre cares for dogs, cats and rabbits. Therefore, would require ALC authorization as those animals do not fall under livestock as stated in section 23 of the ALR Use Regulation.

Do you know if there has been any previous ALC Applications regarding the non-farm use of the Animal Centre? I tried to search the ALC's database for previous applications/NOI's associated with the property located at 7550 Bell McKinnon Rd, Duncan, BC [PID: 018-856-586], but no applications regarding the animal centre could be found.

If there has been no previous ALC approval regarding the use of the Property for the Animal Centre, a Non-Farm Use application must be made. Unfortunately, the Notice of Intent (NOI) process can only approve soil and/or fill proposals that are a permitted use of the ALC's Act and Regulation.

An Application can be submitted using the [ALC Online Portal](#). Instructions on how to submit an application can be found here: [Making an Application](#). Moreover, I have cc'd the ALC Island Panel (ALC.Island@gov.bc.ca) as they would be better equipped to assist you through the application process.

Please let me know if have any further questions or concerns.

Kind regards,



Patricia Sarroca

Soil Resource Officer |
Agricultural Land
Commission

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From: Eilis Desmond <edesmond@spca.bc.ca>
Sent: Tuesday, December 12, 2023 10:19 AM
To: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>; Soil and Fill Applications ALC:EX <SoilandFillApplications@gov.bc.ca>
Subject: Re: Notice of Intent ID: 69169

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Hi Patricia,

Just following up on this, we are hoping to submit our Building Permit application before the end of the year so any advice would be greatly appreciated.

Thanks,

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

1245 East 7th Avenue

Vancouver, BC V5T 1R1

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From: Eilis Desmond <edesmond@spca.bc.ca>
Sent: Wednesday, December 6, 2023 12:27 PM
To: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>; Soil and Fill Applications ALC:EX <SoilandFillApplications@gov.bc.ca>
Subject: Re: Notice of Intent ID: 69169

Hi Patricia,

Thanks for the quick reply, please see attached as requested. We have dogs, cats and rabbits at the centre.

Some further information on our proposal:

'The proposal is to demolish the existing BC SPCA Cowichan Animal Centre and build a replacement centre on the same site. The existing centre has been operating since 1997 and has been serving the Municipality of North Cowichan as well as the surrounding communities of Duncan, Mill Bay, Cobble Hill, Shawnigan Lake, Cowichan Bay, Chemainus, Crofton and Ladysmith since that time. We care for approximately 350 animals at the Cowichan Centre each year. We employ four full-time and 6 part-time or casual staff, and engage over 110 volunteers at this Centre, as well as operating a Community Pet Food Bank. The existing centre is aging and no longer meets the standards required for the optimal care of animals. It also limits our opportunities for community involvement and outreach. We are planning to replace the existing Cowichan Centre with a new building constructed to current best practices for optimal animal care, noise mitigation, effectiveness and functionality. The new facility will include the first Animal Behaviour Centre in Canada. Alongside local adoption and owner surrender services, and community outreach programs, the Animal Behaviour Centre will provide specialized rehabilitative care, enrichment and training for animals whose experiences and behaviours (such as under-socialization or separation anxiety) are limiting their adoption potential.'

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

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From: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>
Sent: Wednesday, December 6, 2023 11:57 AM
To: Eilis Desmond <edesmond@spca.bc.ca>
Cc: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>; Soil and Fill Applications ALC:EX <SoilandFillApplications@gov.bc.ca>
Subject: RE: Notice of Intent ID: 69169

Hello,

Apologies for the delay in response and thank you for your patience.

The ALC understands that the BC SPCA Cowichan is currently in the planning stages to demolish and replace the existing animal shelter at 7550 Bell McKinnon Rd, Duncan, BC [PID: 018-856-586].

Before proceeding with your Notice of Intent (NOI), the ALC would like to seek clarification regarding your proposal:

- Please confirm the current animals you have at the shelter;
- If available, please provide the building plans and the site plan of your proposal.

Feel free to let me know if you have any questions regarding this email.

Sincerely,



Patricia Sarroca

Soil Resource Officer |
Agricultural Land
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From: Eilis Desmond <edesmond@spca.bc.ca>

Sent: Tuesday, December 5, 2023 12:58 PM

To: Soil and Fill Applications ALC:EX <SoilandFillApplications@gov.bc.ca>; ALC Island Land Use ALC:EX

<ALC.Island@gov.bc.ca>

Cc: ALC Soil Enquiries ALC:EX <ALC.Soil@gov.bc.ca>

Subject: Fw: Notice of Intent ID: 69169

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Hi,

Forwarding the query below.

Thank you,

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

BC SPCA

1245 East 7th Avenue

Vancouver, BC V5T 1R1

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From: Eilis Desmond
Sent: Tuesday, December 5, 2023 12:48 PM
To: H <alc.soil@gov.bc.ca>
Subject: Notice of Intent ID: 69169

Hi,

I am reaching out on behalf of the BC SPCA Cowichan. We are currently in the planning stages to demolish and replace our existing animal shelter at 7550 Bell McKinnon Rd Duncan, BC V9L 6B1 and I am in the process of applying for a Soil Cut and Fill NOI as advised by the ALC (see attached email thread between our architect firm, studioHub, and the North Cowichan Development Planner, Angela Davies). However I have run into an issue with the application in Section 7 where it requires a Notice of Work to the Ministry of Energy and Mines. When I looked into this it seems this involves getting a Mining Permit, which looks like a complicated process and doesn't seem relevant to our project as we have no

plans to carry out any mining. However there is no option for 'Not Applicable', it seems I have to provide a reference number to submit my Notice of Intent application. Could you please advise if this is indeed required for our purposes?

Please give me a call at the number below if you have any questions.

Have you submitted a Notice of Work to the Ministry of Energy and Mines?

Yes No

Please be advised that you are required to submit a Notice of Work to the Ministry tracking/reference number as part of this submission to the ALC.

Regards,

Eilís Desmond

(She/Her)

Project Manager, Facilities

and guardian to Ziggy

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