



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

June 19, 2007

Reply to the attention of Terra Kaethler  
ALC File: #J - 37368

J. William Wikkerink  
2980 Cameron Taggart Rd  
Mill Bay, BC V0R 1L0

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 292/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will 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', is written over a white background.

Erik Karlsen, Chair

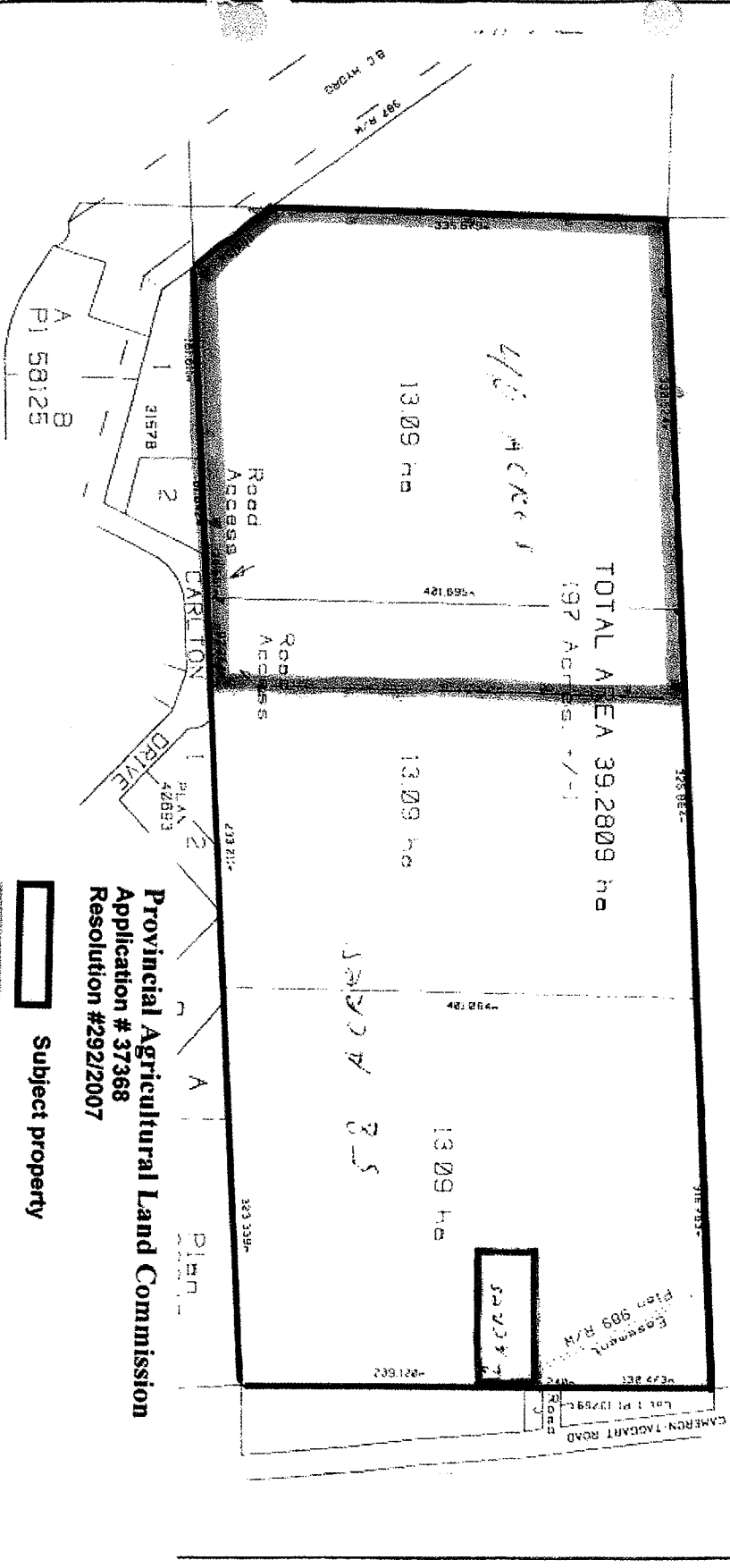
cc: Cowichan Valley Regional District (#2-B-06ALR)

Enclosure: Minutes/Sketch Plan

TK/lv/37368d1

PLAN OF PROPOSED SUBDIVISION OF SECTION 3, RANGE 6,  
 SHAWNIGAN DISTRICT.  
 Scale 1:5200 (All dimensions are in metres)

SECTION 4, RANGE 6



TOTAL AREA 39,280.9 ha  
 197 Acres +/-

4/0 ACRES

52237

**Provincial Agricultural Land Commission**  
 Application # 37368  
 Resolution #292/2007

- Subject property
- 15.0 ha lot approved for subdivision
- 0.8 ha lot approved for subdivision
- 24.2 remainder to be consolidated with adjacent property (Section 4, Range 6, Shawnigan District)

Richard J. Gagnier, P. Eng., Surveyor  
 50-1751 Northridge Rd. Suite 202  
 Abbotsford, B.C. V2S 1C4  
 Phone / Fax: 250-743-4812

February 3, 2006



## **Discussion**

Commissioner David Craven recused himself before the discussion as he was a close acquaintance of the applicant.

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The majority of the subject property is identified as having unimprovable agricultural capability ratings of Class 5PA. The portion of the property under application for the 0.8 ha subdivision is identified as 60% Class 2DT and 40% Class 3T improvable. The portion of the property under application for the 15.0 ha subdivision is predominantly Class 5PA with some areas identified as Class 7R.

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### Subclasses

- A soil moisture deficiency
- P stoniness
- D undesirable soil structure
- T topography
- R shallow soil / bedrock outcroppings

It was determined at the site visit that although the area proposed for the 0.8 ha subdivision is rated as Class 2 land, it is on a steep knoll and has limited agricultural capability.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. At the site visit, the Commission discussed with the applicant the option of consolidating the proposed 24.2 ha remainder of the subject property with the approximately 40 ha adjacent property, also owned by the applicant. The Commission believed that consolidation of the adjacent properties would significantly enhance agriculture as it would create a large farm parcel and a contiguous dairy operation.

With the consolidation of the remainder property to the adjacent property, the Commission considered that the proposed subdivision of 15.0 ha would be similar to a lot line adjustment. As such, the Commission did not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

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In regards to the 0.8 ha proposed subdivision for a relative, the Commission recognized that the proposed subdivision is in an area of the property with marginal agricultural capability and clustered with other small residential parcels. The Commission considered that the proposed area was unlikely to be used for agriculture in the future and would not impact existing or potential agricultural use of the subject property or surrounding lands.

The Commission also recognized that the applicant's relative is actively involved in farming, and that the approval of a subdivision would support the intergenerational transfer of the dairy farm operation.

### **Conclusions**

1. That the areas proposed for subdivision have limited agricultural capability.
2. That the consolidation of the 24.2 ha remainder with the adjacent farm parcel would result in a net benefit for agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Seitz

**SECONDED BY:** Commissioner Rugg

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the 24.2 ha remainder be consolidated with the adjacent 40 ha property (Section 4, Range 6, Shawnigan District)
- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 292/2007**



**Staff Report**  
**Application # J – 37368**  
**Applicant: J. William Wikkerink**

**DATE RECEIVED:** April 20, 2007

**DATE PREPARED:** May 24, 2007

**TO:** Chair and Commissioners – Island Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** Subdivision for a Relative: To subdivide the 40.0 ha subject property into 3 lots: a 0.8 ha parcel for a relative, a 15 ha parcel, and a 24.2 ha remainder .

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The original application was made by Margarete Gillett to subdivide the property into 3 equal-sized lots. Bill Wikkerink bought the property as of June 30, 2006, and revised the subdivision application to its current configuration.

**Local Government:**

Cowichan Valley Regional District

**Legal Description of Property:**

PID: 009-462-899  
Section 3, Range 6, Shawnigan District

**Purchase Date:**

07/11/2006

**Location of Property:**

2800 Cameron-Taggart Road, Cobble Hill

**Size of Property:**

40.0 ha (The entire property is in the ALR).

**Present use of the Property:**

Residential/Agricultural

**BACKGROUND INFORMATION (cont.):**

**Surrounding Land Uses:**

**WEST:** Undeveloped  
**SOUTH:** Subdivision  
**EAST:** Dairy Farm  
**NORTH:** Dairy Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B062, 92B063  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

OCP: Bylaw No. 1010  
Designation: Agricultural

**Zoning Bylaw and Designation:**

Shawnigan Lake Zoning Bylaw No. 985  
Designation: A1  
Minimum Lot Size: 12 ha

**PREVIOUS APPLICATIONS: N/A**

**ADJACENT APPLICATIONS (West):**

**Application #35959-0**

**Applicant:** Hayes Forest Services Ltd  
**Decision Date:** March 15, 2007  
**Proposal:** To exclude a 36 ha property to facilitate its subdivision into 27-30 one hectare lots.  
**Decision:** Approved exclusion except for area of approximately 5 ha in the NE corner of the property as separated by the Hydro right of way.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Cowichan Valley Regional District Board:**

That the subdivision of 0.8 ha be supported; and that the subdivision of 15.0 ha be forwarded without recommendation.

**Advisory Planning Commission:**

That the subdivision of 0.8 ha be supported with a recommendation that the ALC require a covenant be placed on the parcel prohibiting further subdivision on both the parent and new parcel at the time of subdivision. That the subdivision of 15.0 ha from the subject parcel not be supported, on the grounds that, with no guarantee of ALR security, land would be more attractive for development, and both new parcel and remainder would be less viable for agriculture.

**Local Government Staff:**

That the application for subdivision of 0.8 ha be forwarded with a recommendation that the ALC require a covenant be placed on the parcel prohibiting further subdivision on both the parent and new parcel at the time of subdivision.



**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (cont.):**

And that the proposed subdivision of 15.0 ha not be approved as it is not consistent with the agricultural policies outlined in the OCP. Further noted that a subdivision of 15.0 ha off the parent parcel may result in increasing development interest, a reduction in the agricultural viability and agricultural capability of the land, and could compromise the future use of land for agriculture.

**STAFF COMMENTS:**

That the Commission consider the following:

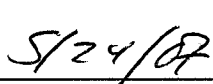
- It would appear that the location of the 0.81 ha proposed subdivision is predominantly Class 2 land and that the proposed location would negatively impact the agricultural use of the remainder of the property. A site visit may help to determine this.
- The proposed 15 ha lot is in an area of lower agricultural capability, the majority of this is Class 5. However, the adjacent property to the west was recently excluded by the Commission, with the exception of a 5 ha buffer to the NE, in large part, to protect the Wikkerink farm operation. If this area is allowed to be subdivided from the parent parcel, development pressure may increase and the agricultural suitability of the parcel may be diminished.

**ATTACHMENTS:**

- Letter from Applicant (7/30/06)
- CVRD Staff Report, March 19, 2007 (P.3-5)
- Site Data (Supplied by applicant, P.8-9)
- ALC Map 92B/12 (1:50,000)
- ALC Aerial Photo (1:10,000)
- ALC Agricultural Capability Map
- Sketch of Proposal

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date