



**Agricultural Land Commission**  
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February 4, 2009

Reply to the attention of Terra Kaethler  
ALC File: S-38567

Nancy Randell  
Box 55 - 2040 Grafton Avenue  
Errington, BC V0R1V0

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a light blue horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Nanaimo (6635-04-0806)

TK/  
i/38567d1.doc



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 14, 2009 in Campbell River, B.C.

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

### For Consideration

Application: # S- 38567  
 Applicant: Nancy Randell  
 Proposal: To subdivide the 8.1 ha property to create one (1) lot of 1.0 ha and one (1) lot of 7.1 ha.  
 Legal: PID: 006-647-332  
 Block 19, District Lot 140, Nanoose District, Plan 1918  
 Location: 2040 Grafton Avenue, Errington

### Site Inspection

A site inspection was conducted on January 14, 2009. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- David Craven                    Commissioner
- Jennifer Dyson                  Commissioner
- Terra Kaethler                  Staff
- Roger Cheetham                Staff
- Nancy Randall                  Applicant
- Neil Callendar                  Relative to applicant
- Fred Hughes                    Relative to applicant

The Commission met with the applicants and walked the property. It was noted that the agricultural capability map attached to the staff report appeared to be inaccurate, as the land closer to the road and surrounding the house appeared to have less agricultural capability than the back of the property. The Commission noted that the property had two dwellings, and that the proposal would create a small lot around the second dwelling, with the original dwelling remaining on the larger parcel.

### 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 Agricultural Capability**

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

The agricultural capability of the majority of the subject property is identified as improvable to Class 2D and Class 4P.

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 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

P      stoniness

D      undesirable soil structure

Although at the site visit there was some discrepancy of the agricultural capability ratings of the property, the Commission considered the property could support a broad range of agricultural activity in its present size. The Commission believed that subdivision of the property would decrease the agricultural potential of the property. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

### **Assessment of Agricultural Suitability**

The Commission considered whether the property is suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. Further, the Commission believed that introducing an additional residential lot would encourage further parcelization of agricultural land in the area and may impact existing or potential agricultural use of surrounding lands.

### **Assessment of Other Factors**

At the site visit, the *Homesite Severance Policy* was discussed. The Commission considered the applicant's perspective that the proposal be considered under the *Homesite Severance Policy*. The Commission recognized that the subject property has been in the applicant's family for several generations. However, the purpose of the *Homesite Severance Policy* is to provide a consistent approach to situations where property under application has been the principal residence of the applicant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land.

As such, the applicant is not eligible for subdivision under the *Homesite Severance Policy*. The Commission was of the view that to extend the *Homesite Severance Policy* to subsequent generations would be inconsistent with the Commission's objective to preserve agricultural land.

### Conclusions

1. That the land under application has agricultural capability
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.

### IT WAS

**MOVED BY:** Commissioner Seitz  
**SECONDED BY:** Commissioner Craven

THAT the application be refused.

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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**  
**Resolution # 2/2009**