



Agricultural Land Commission
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Reply to the attention of Gordon Bednard
ALC File: J-38742

April 16, 2009

Rijk & Marguerite Visscher
3593 Mt. Sicker Road
Chemainus, BC V0R1K4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 106/2009 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', written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: The Municipality of North Cowichan (3025-20 08.05)

TK/
i/38742d1.doc



A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 in Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: # J- 38742
Applicant: Rijk & Marguerite Visscher
Proposal: To subdivide a 0.2 ha parcel from the 9.0 ha property. The proposed parcel would be around an existing second dwelling for the applicants' son.
Legal: PID: 001-093-494
Parcel A (DD45562-1), Section 8, Range 3, Chemainus District, EXCEPT that part there of shown outlined in Red and marked 'B' on Plan 577 B.L.
Location: 3593 Mt. Sicker Rd., Chemainus

Site Inspection

A site inspection was conducted on March 25, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Roger Cheetham Staff
- Rijk & Marguerite Visscher Applicants
- Dustin and Kristen Visscher Applicants' son and daughter-in-law

The Commission met with the applicants and walked the property. It was noted that the property was cleared and that the property was cultivated in hay and used for grazing sheep. There were two dwellings on the property. The proposed subdivision was in the southwestern corner of the property.

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 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 agricultural capability of the soil of the subject property is improvable to Class 2DT, Class 3W and Class 4R:

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

Subclasses

D	undesirable soil structure	R	shallow soil / bedrock outcroppings
T	topography	W	excess water

The Commission considered that the majority of the soil capability ratings reflected prime capability for agricultural use and that the property could thus support a broad range of agricultural activity in its present size. Further, the area of the proposed subdivision is identified as improvable to Class 2. As such, the Commission believed that subdivision of the property would decrease the agricultural potential of the property.

Assessment of Agricultural Suitability

The Commission considered whether the property is suitable for agriculture, which included details such as property size, surrounding land use and external limitations to agriculture. The Commission considered that the subject property is in an agricultural area and has similar agricultural ratings to surrounding parcels. Further, the subject property is of similar size to the majority of surrounding parcels, with the exception of some small residential parcels in the area that predate the ALR. As such, 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, by severing off the existing house the subdivision would remove its availability to be used for farm worker accommodation should it be needed in the future.

While the Commission recognized that the subdivision was for a family member, the Commission believed that the introduction of a small residential lot into an agricultural area would encourage further parcelization of ALR properties within the area and may negatively impact existing or potential agricultural use of surrounding lands.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

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 negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Seitz

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.

CARRIED

Resolution # 106/2009