



**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

Reply to the attention of Terra Kaethler  
ALC File: **S-37790**

February 12, 2008

Thomas Hoyt, BCLS  
512 Wentworth Street  
Nanaimo, BC V9R3E4

Dear Sir:

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

Please find attached the Minutes of Resolution # 38/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Prior to approaching the Registrar of Land Titles to register the subdivision, 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', written in a cursive style.

Erik Karlsen, Chair

cc: Regional District of Nanaimo (6635-04-0711)

Enclosure: Minutes/Sketch Plan



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on January 16, 2008, in Ladysmith B.C.**

<b>PRESENT:</b>	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

### For Consideration

Application: # S- 37790  
 Applicant: Theophil and Margaret Fredrich  
 Agent: Thomas Hoyt, BCLS  
 Proposal: Subdivision for a Relative: To subdivide the subject property to create one (1) parcel of approximately 0.6 ha with a resulting remainder parcel of 2.5 ha.  
 Legal: PID: 000-583-171  
 Parcel C (DD23380N), Section 5, Township 2, Cedar District  
 Location: 2798 Cedar Road, Nanaimo

### Site Inspection

A site inspection was conducted on January 16, 2008. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- David Craven                    Commissioner
- Donald Rugg                    Commissioner
- Terra Kaethler                 Staff
- Theo Fredrich                 Applicant
- Tom Hoyt                         Agent

The Commission met with the applicant and agent and walked the property. The Commission noted that the property was separated by a steep ravine and large pond. It was also noted that the applicant had an active beekeeping operation. The applicant stated that the intent of the proposal was to allow his son to move to the property and take over the business.

### 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 majority of the agricultural capability of the soil of the subject property is improvable to Class 3 with limitations of stoniness and soil moisture deficiency, and excess water. Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Upon the site visit, the Commission noted that the property had significant topographical challenges as well as a large pond that divided the property. The Commission believed these limitations decreased the potential of soil-based agricultural production on the property as a whole unit.

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission determined that the proposed subdivision would have little impact on agriculture.

### **Assessment of Other Factors**

As the applicant has owned the property since 1966, he would appear to be eligible for consideration under the *Homesite Severance Policy*. The purpose of this policy is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land. It was further noted that the remainder of the property and the honey bee business will be transferred to the applicant's son who intends to continue operating the business.

The Commission considers this approval as having fulfilled the objectives of the *Homesite Severance Policy* and will not consider future applications under this policy.

### **Conclusions**

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.
3. That the proposal is consistent with the *Homesite Severance Policy*.

### **IT WAS**

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

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- 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
- Commission approval is obtained for an increase in the size of the homesite lot or a change in its location deemed necessary by other approval agencies.

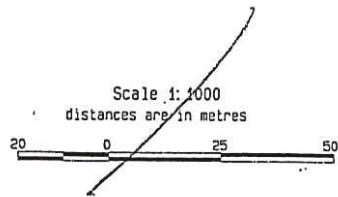
Approval for a homesite severance subdivision is granted for the sole benefit of the applicant and is non-transferable.

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 # 38/2008**

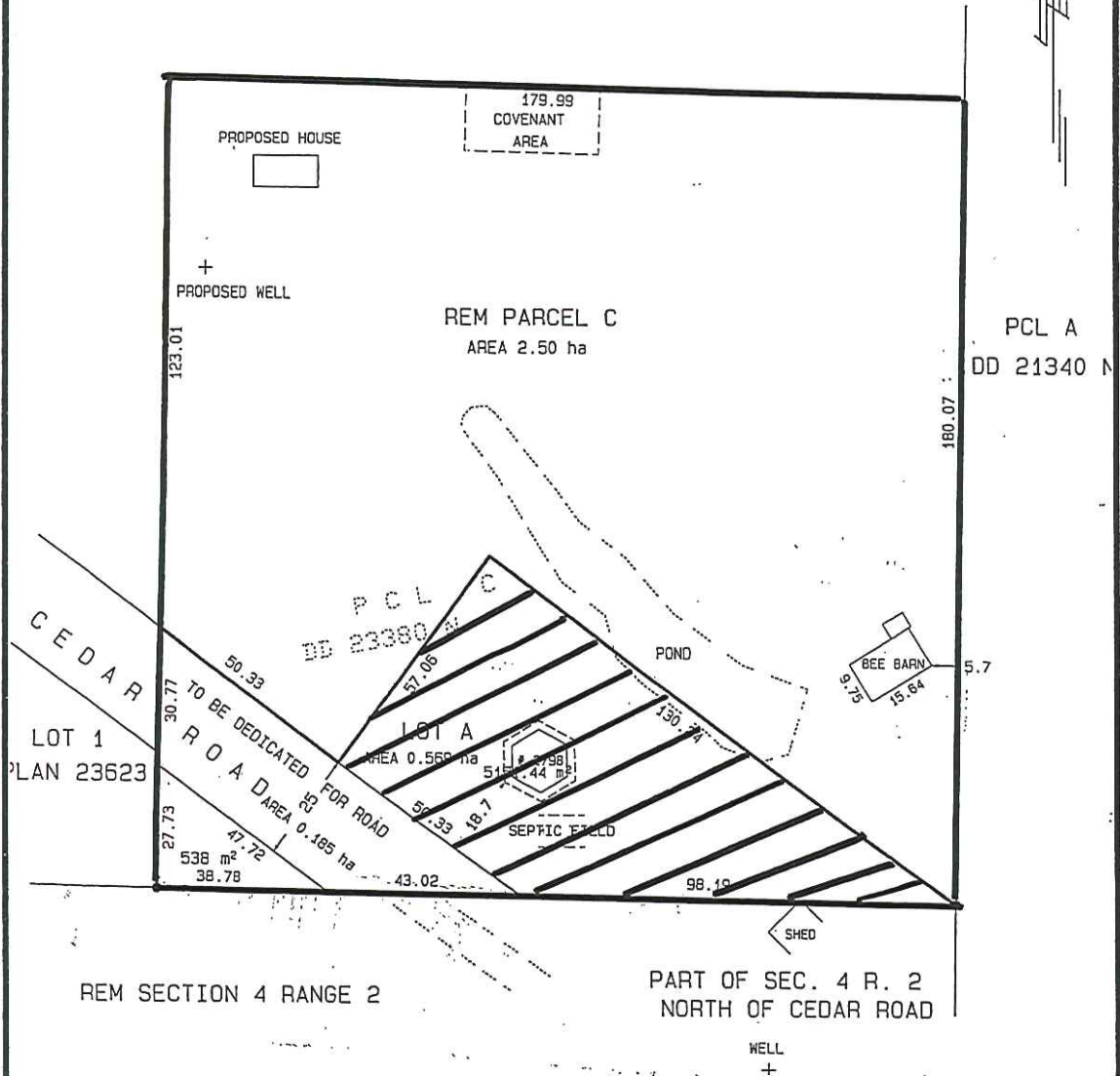
PLAN OF PROPOSED SUBDIVISION ON PART OF PARCEL C (DD23380N),  
SECTION 5, RANGE 2, CEDAR DISTRICT

PURSUANT TO SECTION 946 OF THE MUNICIPAL ACT  
B.C.G.S. 926.001



PCL B  
DD 8907 N

PCL A  
DD 21340 N



T.G. Hoyt  
B.C. Land Surveyor  
512 Wentworth Street  
Nanaimo, B.C.  
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753-2921

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Provincial Agricultural Land Commission  
Application #37790  
Resolution # 38/2008



Subject Property



Approved subdivision of approximately 0.6 ha