



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: J-37799

January 31, 2008

Estate of Arthur Dady
5465 Carmichael Rd, RR1
Ladysmith, BC V0R2E0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 18/2008 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 'E. Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (1-H-07-ALR)

Enclosure: Minutes

TK

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

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

For Consideration

Application: # J- 37799
 Applicant: Estate of Arthur Dady
 Proposal: Subdivision for a Relative: To subdivide one (1) 0.8 ha parcel from the existing 14.4 ha parcel for the purpose of creating a homesite lot for the owner's daughter.
 Legal: PID: 006-214-428
 Lot 1, Section 4, Bright District, Plan 2879, Except Those parts in Plans 3197 and 38326 and except that part lying south east of Carmichael Road shown on Plan 2879
 Location: 5465 Carmichael Road

Site Inspection

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

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Jan Tukham and Laura Hansen Applicants (daughters of Arthur Dady)

The Commission met with the applicants and walked the portion of the property proposed for subdivision. The Commission noted that the majority of the area proposed for subdivision had not been cleared and was sloped with rocky outcroppings. The proposed lot included a portion of the cleared field, and a memorial site for the applicants' parents.

The applicants noted that the land had been owned by the family since 1951. In 1982, a 1.3 ha lot was subdivided off the remainder for one of the applicants. The intention of the application is for estate settlement, to create a lot for the second daughter's family. The applicants may keep the remainder property as common property within the family although it also may be sold. The property is currently leased to a hobby farmer.

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 subject property is identified as improvable to Class 2C. The majority of the area of the proposed subdivision is 60% Class 7RT, 40% Class 5PT (unimprovable), with portions of Class 2C and Class 3T (improved).

- 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.
- 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

- C adverse climate
- P stoniness
- R shallow soil / bedrock outcroppings
- T topography

The Commission recognized that the area proposed for subdivision had minimal agricultural capability. The Commission also considered that the high capability of the remainder of the property indicated that the property could support a broad range of agricultural activity. It was noted that should the property be put into production in the future, the area proposed for subdivision would be the best location to place farm buildings, to keep the productive land intact.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does 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. While the Commission recognized the area of the proposed lot has limited capability for agriculture, it was noted that all ALR properties have non-arable portions. If all of these areas were developed for residential uses then the increase in residential density would inhibit agricultural development.

With the exception of the small lot created from the subject parcel in 1982, the property is surrounded by large parcels in an agricultural area. The proposed subdivision would introduce a small, residential use into an agricultural area and may negatively impact the agricultural opportunities suited to the subject property in the long-term. Further, the Commission believed that the introduction of an additional residential lot into this area would encourage further parcelization of agricultural areas and may impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission noted that the property was subdivided for a family member in 1982. The Commission approved that subdivision because the previous owner qualified for consideration under the *Homesite Severance Policy*. The policy permits a once only subdivision and is intended to provide for the retirement needs of the landowners. The subdivision was allowed in lieu of any future consideration for subdivision under the policy.

The Commission was sympathetic to the applicants' desire to remain on the family farm and protect the memorial site of their parents, and believed that the memorial site could be preserved by a covenant on the property. The Commission must weigh an applicant's personal circumstances against its legislated responsibility to preserve agricultural land. In this case, the Commission believed that subdivision would have a negative impact on agriculture and would be inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

Conclusions

1. That the portion of the property for subdivision has limited 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 Craven

SECONDED BY: Commissioner Seitz

THAT the application be refused as proposed.

CARRIED

Resolution # 18/2008