



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: **J-37840**

February 7, 2008

Duanne and Sandra Larson
7041 Bell McKinnon Road
Duncan, BC V9L6B5

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 10/2008 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 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (2-E-07ALR)

Enclosure: Minutes

TK
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 17, 2008 in Langford, B.C.

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

For Consideration

Application: # J- 37840
 Applicant: Duanne and Sandra Larson
 Proposal: Subdivision for a Relative: To subdivide the 6.1 ha subject property into two (2) lots of approximately 2.0 and 4.0 ha.
 Legal: PID: 006-110-312
 Lot 2, Section 8 and 9, Range 10, Sahtlam District, Plan 3903, Except that part in Plan 25104
 Location: Creighton Road, Duncan

Site Inspection

A site inspection was conducted on January 17, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Les and Lana Mann Applicant's daughter and partner

It was noted that the property was accessed by a steep wide panhandle. The Commission noted that some areas of the property were sloped and the majority of it had not been cleared. There was no residence on the property. The applicants' daughter informed the Commission that the subdivision would allow her to move on to the property and start a hobby farm. She further mentioned that her parents had a purchase of sale agreement on the property in 1971.

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 rated as improvable to Class 2D and unimprovable Class 5A and Class 5TP:

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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

A soil moisture deficiency
T topography

P stoniness
D undesirable soil structure

Although the Commission recognized the variation in agricultural capability on the subject property, the Commission also considered that approximately half of the property reflected prime capability for agricultural use. 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 was suitable for agriculture. This consideration included details such as property size, surrounding land uses and other external limitations to agriculture. The Commission noted that the property was in an agricultural area of various lot sizes. The Commission did not believe there were 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. It was further noted that the proposed split use of the already existing wide panhandle would reduce the amount of area which could potentially be used for agricultural production.

Therefore, the Commission believed that the subject parcel had more agricultural value as a single unit than as two separate parcels 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 areas and may impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

Although the applicants had a purchase of sale agreement on the property as of 1971, they are not eligible for the *Homesite Severance Policy*, as they have not occupied the property.

While the Commission is sympathetic to the family circumstances behind the application, and recognized the intention of the applicant's daughter to use the property for agricultural use, it was also noted that 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 land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused.

CARRIED

Resolution # 10/2008