



Agricultural Land Commission
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December 5, 2008

Reply to the attention of Terra Kaethler
ALC File: J-38274

Don Read Holdings
4165 Telegraph Road
Cobble Hill, BC V0R1L4

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 767/2008 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 in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Cowichan Valley Regional District (I-D-08/ALR)

TK/
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A meeting was held by the Provincial Agricultural Land Commission on November 20, 2008 in Vancouver, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 38274
 Applicant: Don Read Holdings
 Proposal: To subdivide the 15 ha property into two lots of 7.5 ha to re-establish a previously existing boundary line.
 Legal: PID: 023-611-138
 Lot B, Section 1 and 2, Range 4, Cowichan District, Plan VIP64349, EXCEPT Part in Pland VIP80849
 Location: Located at Parker Road and Trans Canada Highway Frontage Road

Site Inspection

A site inspection was conducted on September 9, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Don Read Applicant

The Commission walked the southern portion of the property from the TransCanada Highway to the top of the hill with the applicant, which overlooked the northern portion of the property. It was noted that the property was sloped, but mostly cleared and appeared to have agricultural capability. The property was currently used to cultivate hay and graze cattle.

The applicant explained that the properties had once been separated into two parcels, and that they were consolidated in 1997 to accommodate the expansion of the TransCanada Highway. The proposal was to re-establish the pre-existing property line before consolidation.

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

Following the site visit, the Commission determined that more information was required in regards to the consolidation of the properties to accommodate Ministry of Transportation, prior to reaching a decision.

After subsequent discussions with the Ministry of Transportation and the applicant, the Commission is of the understanding that at the time of purchase by the applicant, the two lots in question had been consolidated, or were about to be consolidated, in exchange for a subdivision in the southeast corner of the property of approximately the 2.0 ha (currently Lot A) for the previous owner of the property. It appears that this subdivision was authorized by the Ministry of Transportation in accordance with Section 1(1)(a) of BC Regulation 7/81 in 1996.

As such, the Commission views the proposed subdivision as any other subdivision proposal and discounts the previous status of the property as two separate lots, as the current applicant would have been aware that the lots were consolidated, or to be consolidated, into one at the time of purchase.

In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. Given the property's size and agricultural capability, 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 considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

Conclusions

1. That the land under application has agricultural capability.
2. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Dyson

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.

CARRIED
Resolution # 767/2008
