



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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www.alc.gov.bc.ca

April 3, 2012

Reply to the attention of Jennifer Carson  
ALC File: #52477

Edward and Gloria Aiken  
PO Box 12  
3713 Holland Avenue  
Cobble Hill, BC  
V0R 1L0

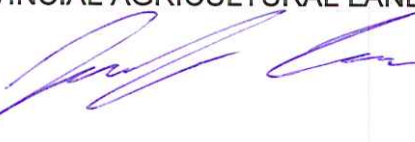
Dear Mr. and Mrs. Aiken:

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

Please find attached the Minutes of Resolution # 125/2012 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: CVRD, 175 Ingram Street, Duncan, B. C. , V9L 1N8 (3-C-11/ALR)

JCI/  
52477d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Roger Cheetham	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION ID: #52477

**PROPOSAL:** To subdivide 5.2 ha of 7.6 ha (Lot 1) to dedicate to CVRD for park purposes. A 3m trail corridor through the south portion of Lot A and 20m access road to Holland Avenue would also be required. (Submitted pursuant to section 20(3) and 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

#### Property 1

Parcel ID:	000-468-215
Legal Description:	Lot 1, Section 14, Range 6, Shawnigan District, Plan 15656, EXCEPT That part in Plan 26786 , Plan VIP55748 and VIP88890
Civic Address:	3713 Holland Ave., Cobble Hill, Cowichan Valley
Size:	7.6 ha
Area in ALR:	7.6 ha
Current Land Use:	residential
Farm Classification:	No
Property Owner(s):	Gloria and Edward Aiken

#### Property 2

Parcel ID:	028-592-603
Legal Description:	Lot A District Lot 14 Range 6 Shawnigan District Plan VIP88890
Size:	1.1 ha
Area in ALR:	1.1 ha
Current Land Use:	forested
Farm Classification:	No
Property Owner(s):	Gloria and Edward Aiken

**Total ALR Area:** 8.7 ha.

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**COMMISSION CONSIDERATION:**

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

**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

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.

**Subclasses**

A soil moisture deficiency

P stoniness

T topography

**Agricultural Suitability**

The Commission assessed whether 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. Further, the Commission believes that this property has more utility for agriculture in the future as a single unit rather than subdivided as proposed.

**Other Factors**

The Commission reviewed the history of the properties and noted that with five previous applications, the property has already been subdivided down to its current size, and further subdivision would not be suitable.

**CONCLUSIONS:**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is more suitable for potential future agricultural use in its current size.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.



**IT WAS**

**MOVED BY:** Commissioner Bullock

**SECONDED BY:** Commissioner Dyson

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 # 125/2012**