



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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February 26, 2013

ALC File: #52882

Robin & Ray Smith  
Box 1771  
Ladysmith, BC V9G 1B3

Dear Mr. and Mrs. Smith:

**Re: Application to Construct a Second Dwelling in the ALR**

Please find attached the Minutes of Resolution #19/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #19/2013

cc: Cowichan Valley Regional District (File: 1-H-11ALR)

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 22, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52882.

### COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair (Acting Chair)
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

### COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

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**PROPOSAL:** To build a second dwelling for a family member.  
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

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### PROPERTY INFORMATION:

**Owner:** Raymond & Robin Smith

**Legal:** PID: 008-720-398  
District Lot 5, Bright District, Except Parts in Plans 32170 and VIP82582

**Location:** Ladysmith

**Size:** 19.9 ha

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### SITE INSPECTION

A site inspection of the property was conducted on December 4, 2012. Those in attendance included the Commissioners Bullock and Dyson; ALC Staff Roger Cheetham and Liz Sutton; and the applicants Raymond and Robin Smith.

Commissioners and staff toured the subject property noting the location of the original dwelling in the southwest corner of the property, as well as the proposed second dwelling and accessory buildings in the northwest corner of the property on the previous mill site. The proposed second dwelling is partially built and the accessory buildings are being utilized for personal home office and hobby use.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above. In addition, Liz Sutton gave a verbal summary of the site inspection to the Commission.

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#### **LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION**

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
  - (c) 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.
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#### **COMMISSION CONSIDERATION**

After considering the information the Commission concluded as follows:

1. The Commission understands that the applicants intend to (1) provide a new dwelling for their daughter who would manage a proposed equestrian facility; (2) construct a second new dwelling for the applicants and relatives; and (3) remove the original farm house resulting in a total of two permanent dwellings on the property. In addition, the applicants state that development plans for the property include the removal of existing structures (barn, dairy building, and poultry buildings), producing organic fruit and vegetables, constructing residential accessory buildings, new barns, and an indoor riding arena.

*The Agricultural Land Commission Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation* permit more than one permanent residence on an ALR parcel provided that the residence(s) is necessary for farm use.

#### **Conclusion:**

While the Commission notes the applicants intend to pursue a variety of agricultural activities on the property the present level of agricultural activity on the property is insufficient to warrant an additional dwelling for farm purposes. The Commission believes that on-farm residential accommodation should be commensurate with the level of agricultural activity.

2. The Commission also considered the proposed construction of the second dwelling for non-farm residential purposes only. As a general rule additional residences have two negative effects on the agricultural land base. Firstly, they require arable land both for the dwelling, yard, septic field and access. Secondly, additional dwellings increase the residential density of a property and the surrounding area.

**Conclusion:**

The approval of a second dwelling for non-farm purposes is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

**IT WAS**

**MOVED BY: Commissioner Thibeault**

**SECONDED BY: Commissioner Miles**

THAT the request to build a second dwelling be refused.

**CARRIED**

**Resolution #19/2013**