



Agricultural Land Commission
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April 5, 2013

ALC File: #53048

Yvonne and Alfred Pink
816 Altamont Road
Cobble Hill, BC V0R1L4

Dear Mr. and Mrs. Pink:

Re: Application for an Additional Dwelling in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #71/2013 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 #71/2013

cc: Cowichan Valley Regional District (File: 2-C-12ALR)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53048.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL: To allow a mobile home to remain indefinitely as an additional dwelling on the property if the owner decides to sell the property.
(Submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Alfred and Yvonne Pink

Legal: PID: 002-678-551
Lot 2, Section 10, Range 9, Shawnigan District, Plan 25791

Location: Cobble Hill

Size: 4.1 ha

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.

COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property.

Application #00888 To allow a modular home for the applicants' parents. Refused as proposed since the permanent nature of the foundation would alienate the land for future agricultural development. The Commission agreed to the temporary placement of a mobile home on footings (not on a concrete slab) for the specific use by Mr. and Mrs. E. Hopps. The residence was to be removed when no longer occupied by the Hopps. Resolution #3738/76.
(Pink, 1976)

After considering the information the Commission concluded as follows:

1. The Agricultural Land Reserve Use, Subdivision and Procedure Regulation permits one secondary suite within a single family dwelling for use by an immediate family member or one manufactured home up to 9 meters in width for use by an immediate family member.

There are three dwellings on the subject property including the main house, a double-wide mobile home permitted for use by the applicants' parents only (as per Resolution #3738/76) which is currently occupied by one of the applicants' children, and an additional non-compliant single-wide mobile home occupied by another of the applicants' children.

The mobile home approved in 1976 has been modified and is now wider in some spots than the 9 meters permitted by ALC regulation.

Conclusion 1(a):

The Commission is amenable to the retention of the double-wide mobile home for a family member as it is generally consistent with the spirit and intent of the regulation. This said, the Commission does not support further expansion without its authorization. Regular maintenance and repair is acceptable.

Conclusion 1(b):

The second mobile home is non-compliant with the regulation.

2. The Commission believes the number of dwellings on the property, beyond that provided by regulation, should be commensurate with the scale of agricultural activity being conducted on the property.

Conclusion:

The Commission does not believe the present level of agricultural activity on the property is sufficient to warrant an additional (third) dwelling for farm help purposes. The third dwelling should be removed.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Thibeault

THAT the request to allow a mobile home to remain indefinitely as an additional (third) dwelling on the property be refused.

AND THAT the applicant must remove from the property or decommission (i.e. render uninhabitable) one of the temporary dwellings within one (1) year from the date of this decision.

AND THAT the other temporary dwelling may remain on the property provided it is used by an immediate family member as defined in BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation).

AND THAT when the remaining temporary dwelling is no longer used by an immediate family member as defined in BC Regulation 171/2002, the dwelling must be removed from the property or decommission (i.e. render uninhabitable).

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #71/2013