



Agricultural Land Commission
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November 15, 2016

ALC File: 55138

Lorne Rennison
2944 Rennison Road
Courtenay, BC V9J 1M1

Dear Ms. Rennison:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #388/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

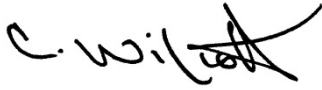
- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott - RPP, MCIP
Land Use Planner

Enclosure: Reasons for Decision (Resolution #388/2016)

cc: Comox Valley Regional District (File: 3110-20 / ALR 1B 16)

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AGRICULTURAL LAND COMMISSION FILE 55138

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Lorne Rennison
Sheralyn Rennison
(the “Applicants”)**

Agent:

**Lorne Rennison
(the “Agent”)**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 004-261-801

Lot A, Section 36, Comox District Plan 15343, Except That Part in Plan 33415
(the "Property")

[2] The Property is 3.3 ha in area.

[3] The Property has the civic address 5140 Headquarters Road, Courtenay, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicants are applying to convert an accessory building, which was previously used as a dwelling, back to residential use as a second dwelling (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:

- 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Previous application history
4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Applicant(s)/Agent in advance of this decision.

[10] At its meeting of Tuesday, June 28, 2016, the Comox Valley Regional District (the "CVRD") resolved:

THAT the Agricultural Land Reserve non-farm use application ALR 1B 16 (Rennison) to convert an existing accessory building into a house on lands know as Lot A, Section 36, Comox District, Plan 15343, except that part in Plan 33415 (5140 Headquarters Road), be referred to the Agricultural Land Commission.

[11] The Panel reviewed five relevant applications adjacent to the Property:

Application ID: 6463
Legacy File: 03384

To subdivide the 12.9 ha property into one parcel of 1.2



(Rennison, 1976)

ha and one parcel of 11.7 ha. The Commission felt that the property has excellent agricultural potential. With irrigation and drainage, the Commission felt that the land is improvable to Class 2 and could thus support a wide range of vegetables, berry fruits, cereal grains and forages. The application was refused by ALC Resolution #5523/77.

Application ID: 6462
Legacy File: 11604
(Rennison, 1981)

To construct a second permanent dwelling on the 13 ha property. The Commission noted that the Board of the Comox Strathcona Regional District recommended approval of the proposal and discussed the possibility of a homesite severance. The application was approved by Resolution #18/81 subject to the condition that the approval was in no way to be construed as a justification for future subdivision.

Application ID: 6461
Legacy File: 19234
(Rennison, 1985)

To subdivide the 13 ha property into one parcel of 1.0 ha and one parcel of 12.7 ha. The Commission noted the parcel is approximately 90% pasture land, and has two permanent dwellings on site. The application was refused by ALC Resolution #712/85 on the grounds that the subject property is comprised of high agricultural capability lands and subdivision would reduce agricultural options, and that the Commission's previous approval to allow a second permanent dwelling was no justification for a future subdivision. The Commission also informed the applicant of the Commission's Homesite Severance



Policy.

Application ID: 555
Legacy File: 28113
(Rennison, 1993)

To subdivide the 12.95 ha property into one parcel of 0.24 ha and one parcel of 11.96 ha. The Commission considered the agricultural capability ratings, property size, present use, surrounding land uses, and comments from local government and found that subdivision would serve to limit the agricultural potential of the property. The application was refused by ALC Resolution #775/93 on the grounds that the proposed subdivision would not be in the best interests of agriculture.

Application ID: 6139
Legacy File: 30869
(Rennison, 1996)

To subdivide the 12.95 ha property into one parcel of 0.4 ha and one parcel of 12.55 ha under the Homesite Severance Policy. There is a second dwelling located on the proposed 0.4 ha site. The Commission found that the second dwelling was located favorably for a homesite severance. The application was approved by ALC Resolution #930/96.

The Panel reviewed the five relevant applications and found that they were not germane in consideration of the Proposal.

SITE VISIT

[12] The Panel, in the circumstances of the Application, did not consider it necessary to conduct a site visit to the Property based on the evidentiary record associated with the Application.

FINDINGS

[13] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.75 for the mapping units encompassing the Property are approximately 40% 7TE, 30% 2D, 25% 3AP, and 5% 2DC.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), C (adverse climate), D (undesirable soil structure), E (erosion), P (stoniness), and T (topographic limitations).

[14] The Panel reviewed the BCLI ratings and find that the Property is predominantly comprised of land with good agricultural capability.

[15] The Panel reviewed the CVRD staff report and noted that the Applicants had converted an old house on the Property into an accessory building in order to build a new house in 2013. The Applicants are now seeking to convert that accessory building back into a dwelling for rental purposes.

[16] The Panel believes that the residential situation should reflect the agricultural needs of a particular property. Based on the information provided, the Panel does not believe that there is an agricultural rationale to warrant an additional dwelling on the Property.

[17] It is the Commission's experience that it is probable that the current or future owners of properties with second dwellings request subdivision. The Commission has no desire to encourage the subdivision of the farm property.

[18] The Panel reviewed Commission Policy #10, *Building New Residence while Occupying Existing Residence* which states that a new residence may be constructed where there is one existing residence on the parcel provided the existing residence is "demolished, moved off the property, or made uninhabitable upon occupancy of the new residence". After reviewing the CVRD's staff report, the Panel finds that the dwelling should be demolished, moved off the property, or made uninhabitable as required by Policy #10.

DECISION

[19] For the reasons given above, the Panel refuses the Proposal.

[20] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[21] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[22] This decision is recorded as Resolution #388/2016 and is released on November 15, 2016.

CERTIFICATION OF DECISION



Jennifer Dyson, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT