



Agricultural Land Commission
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September 6, 2005

Reply to the attention of Ron Wallace

District of Saanich
770 Vernon Avenue
Victoria, BC – V8X 2W7

Dear Sir/Madam:

**Re: Application #C-36100
That Part of Section 40, Lake District, Containing 4.02 Acres, More or Less, As
shown on Plan Deposited Under DD 304551 Except that Part in Plan VIP64574**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted property from the ALR in order to create a 1.45 ha park and to subdivide off the existing single family dwelling. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application. The decision is recorded as Resolution #451/2005.

By way of a copy of this letter the Commission advises the Registrar of Land Titles that by Order #451/2005 the property as shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Capital Regional District. The Registrar is further advised that the Agricultural Land Reserve notation should be removed from Certificate of Title No. CA18711.

Yours truly,

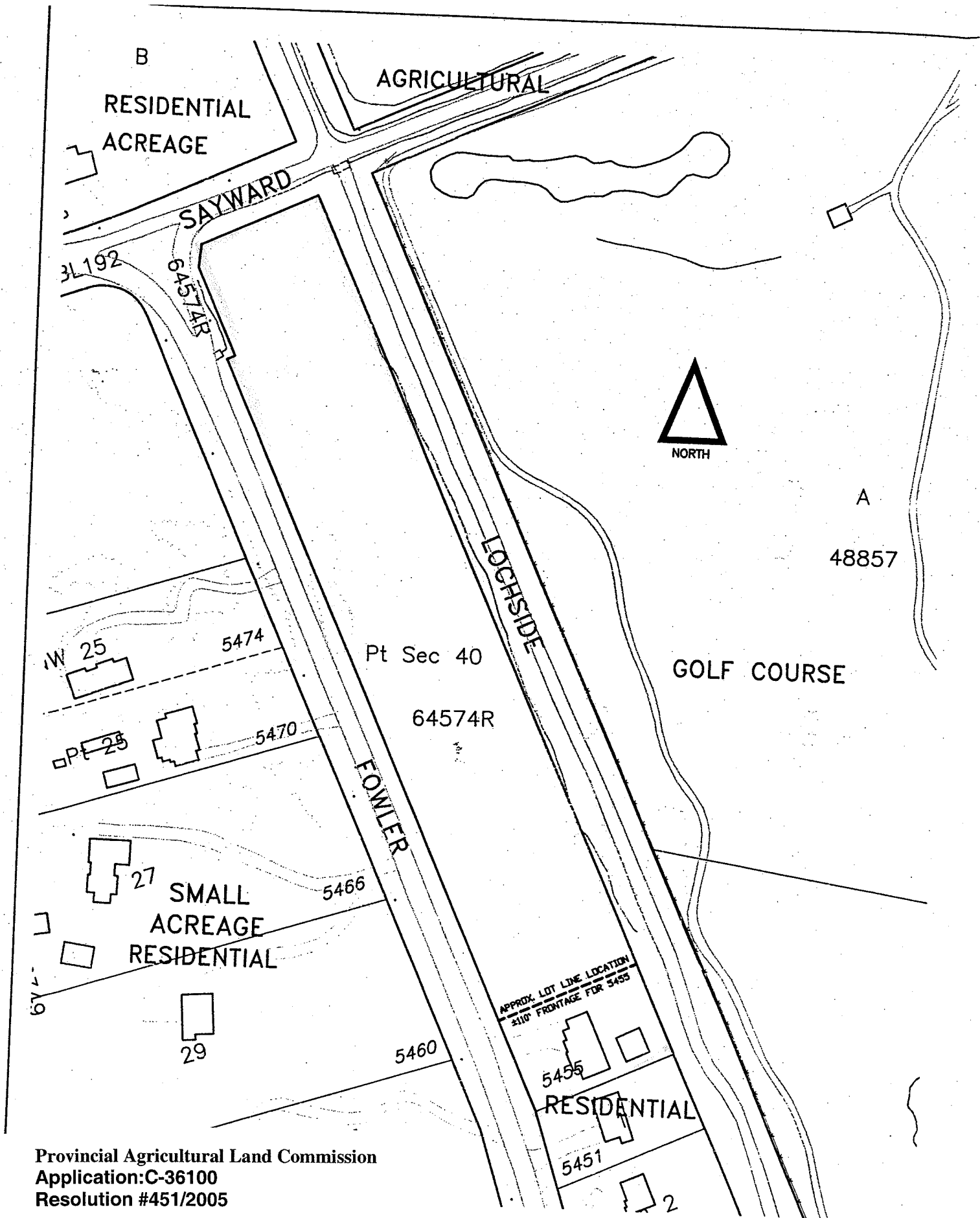
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

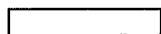
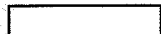
Erik Karlson, Chair

cc: BC Land Title & Survey, Land Title Division – Victoria
BC Assessment, Victoria

RW/lv/Encl.
36100d1



Provincial Agricultural Land Commission
 Application: C-36100
 Resolution #451/2005

-  Subject property.
-  ±1.6 ha area approved for exclusion from the ALR.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on August 18, 2005 in Central Saanich, B.C.

PRESENT: Lorne Seitz Chair
 David Craven Commissioner
 Donald Rugg Commissioner

STAFF: Ron Wallace, Regional Research Officer
 Roger Cheetham, Planner

For Consideration

Ron Wallace presented the staff report dated August 5, 2005 regarding application #C-36100, District of Saanich. The application is to exclude 1.6 ha from the ALR in order to create a 1.45 ha park on the site and to subdivide off the existing single family dwelling.

Site Inspection and Exclusion Meeting

A site inspection was conducted on August 18, 2005. Those in attendance were:

- Commissioners Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer and Roger Cheetham, Planner
- Applicant Staff: Rae Roer, Parks Manager and Neil Findlow, Planner, District of Saanich

The Commission noted that the subject property is on the edge of the ALR boundary with no significant agricultural potential due to its small size and thin, rocky soils.

The site inspection lasted from 4:45 p.m. to 5:15 p.m.

Commission Discussion

The Commission supported the proposed exclusion on the grounds that the property is small and has no significant agricultural potential.

IT WAS

MOVED BY: Commissioner Rugg
SECONDED BY: Commissioner Craven

THAT the staff report be received and the application to exclude 1.6 ha from the ALR in order to create a 1.45 ha park on the site and to subdivide off the existing single family dwelling be approved on the grounds that the property is small and has no significant agricultural potential.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # C – 36100-0
Applicant: District of Saanich

DATE PREPARED: August 5, 2005

TO: Chair and Commissioners – Island Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To exclude 1.6 ha from the ALR in order to create a 1.45 ha park on the site and to subdivide off the existing single family dwelling.

This application is made pursuant to section 29(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The subject property is located on the east side of Fowler Road, and abuts the Lochside Regional Park Trail. Resolution # 1286/1986 allowed up to 6.0 m of fill (100,000 m³) to be placed on the property following an application to the Land Commission to permit the filling (File #20713-0). The fill came from a variety of unknown sources. As the fill was never compacted, mitigation measures will be required in order to avoid potential settlement problems, regardless of what the property is used for. According to some of the submissions from neighbouring property owners, the property was originally quite low and contained an extensive wetland area.

According to the Local Government report the property is vacant except for the single family home and a small garden. Local Government Staff is of the opinion that the property has been incorrectly designated as ALR and that its exclusion from the ALR would not adversely affect longer term agricultural values of adjoining land. The Saanich General Plan Agricultural Policy 5.1 states not to forward applications to the ALC to exclude land from the ALR if the land is zoned for agriculture or farm use, unless the above applies.

Local Government Staff also note that the subject property lies outside the Urban Containment Boundary and the proposed lot would not meet the minimum lot size as outlined in the Zoning Bylaw. However, the Subdivision Bylaw provides for subdivision where the minimum parcel size is not met where at least one of the parcels is owned by the municipality and the subdivision is for a municipal purpose such as Municipal Park.

A public hearing was held by the District of Saanich on May 21st, 2005. Several residents provided comments outlining their concerns about exclusion of the land and its use as a park. According to one resident's letter, the previous owner of the land applied to the District of Saanich twice to have the property excluded but the municipality refused to forward the application to the Commission. This is the first application for exclusion of this property that the Commission has received. Other members of the public who attended the public hearing voiced support for the exclusion and felt it would be in the public interest. There seems to be general agreement that the property has little agricultural capacity.

Local Government:

District of Saanich

Legal Description of Property:

PID: 000-402-168

That Part of Section 40, Lake District, Containing 4.02 Acres, More or Less, As shown on Plan Deposited Under DD 304551 Except that Part in Plan VIP64574

Location of Property:

5455 Fowler Road, Saanich

Size of Property:

1.6 ha (The entire property is in the ALR)

Present use of the Property:

Residential, dwelling and a detached garage

Surrounding Land Uses:

- WEST:** Small acreage residential (Non-ALR)
- SOUTH:** Residential (+-0.08 ha lots) (Non-ALR)
- EAST:** Golf Course and Regional Park Trail (non-ALR)
- NORTH:** Farm land and small acre residential (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # CRD - Composite
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

Cordova Bay Local Area Plan designates the property Rural Residential / Agriculture

Zoning Bylaw and Designation:

Zoning Bylaw 8200, A-1. Minimum lot size 2 ha. Rural Zone (A-1)

PREVIOUS APPLICATIONS:

Application #20713-0

- Applicant:** Dery, G.A.
- Decision Date:** December 04, 1986
- Proposal:** To place approximately 100,000 m³ of excavation material (no organic material) in the property to a maximum depth of 6 m
- Decision:** Allowed with conditions

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

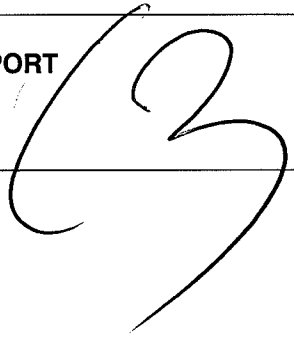
Local Government Staff is of the opinion is that the soils on site are of poor quality for agricultural purposes and that the site is not integral to the preservation of the large lots designated for retention as ALR in the north Cordova Bay area. The parcel has a narrow interface with the ALR land to the north of Sayward road. Exclusion of this relatively small and narrow parcel from the ALR and its subsequent use for park purposes would not adversely affect the long-term agricultural value of other ALR parcels in this area. Given the small size of the parcel from an agricultural perspective, the amount and poor quality of the fill for agricultural uses... the value of the land for agricultural purposes is extremely limited.

STAFF COMMENTS:

Although several residents strongly object to the exclusion and proposed use of the parcel none of the concerns were related to the loss of the parcel as agricultural land but are of a more general concern with the land-use planning process and conflicts arising from the proposed use. It seems the fill placed on the property by the previous owner has not done anything to enhance the agricultural viability of the property.

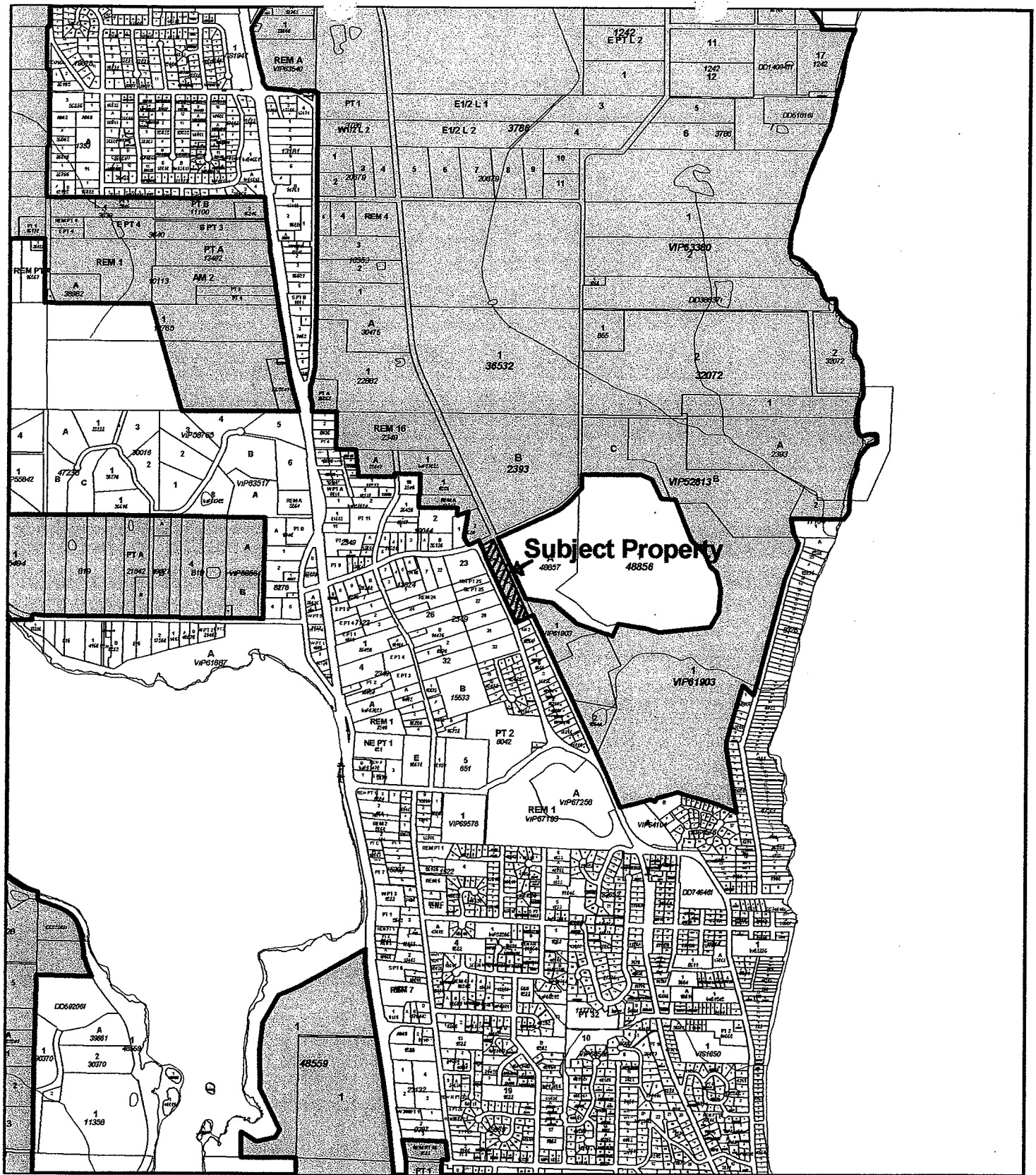
END OF REPORT

Signature

A large, stylized handwritten signature in black ink, appearing to be the number '3' with a long, sweeping tail.

Date

August 5/05



ALC CONTEXT MAP
Application # 36100

Map Scale: 1: 20000

ALC File #: 01-05-36100
BCGS Map Sheet #: 92B.054
Regional District: Capital