



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

December 13, 2005

Reply to the attention of Ron Wallace

Brian French
4383 Happy Valley Road,
Victoria, BC – V9C 3Z3

Dear Mr. French:

Re: **Application #C-36299-0**
Lot A, Sections 1 & 20, Lake District, Plan VIP69114

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of the above noted application to exclude ± 4 ha from the ALR. The owner of the property, Camosun College, intends to construct a sports training/research/education centre on the proposed exclusion area. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission has no objection to the development provided there is assurance the property will be utilized as proposed. Therefore the Commission has approved the application subject to:

- the registration of a restrictive covenant in the Commission's favour – stipulating that the exclusion area will only be used for development of a sports training/research/education centre. A sample covenant is attached.
- compliance 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. The Commission suggests you contact the District of Saanich at your earliest convenience.

The decision noted above is recorded as Resolution #628/2005.

In order to proceed further with this decision, please forward a draft covenant to this office for review. If acceptable, the Commission will direct you to prepare the covenant in final form for execution. The Commission will advise the Registrar of Land Titles that the land under application has been excluded from the ALR after it receives confirmation that the covenant is registered.

This decision has been forwarded to you as agent for the applicant. It is your responsibility to advise your client accordingly.

Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Saanich (File: Interurban Road)

RW/lv/Encl./36299d1

LAND TITLE ACT
FORM C
Province of British Columbia
GENERAL DOCUMENT

RESTRICT USE

(This area for Land Title Office use)

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)	(LEGAL DESCRIPTION)
See schedule	

3. NATURE OF INTEREST:*

DESCRIPTION ENTITLED TO INTEREST	DOCUMENT REFERENCE (page and paragraph)	PERSON
Restrictive Covenant Pursuant to s.22 Of the <u>Agricultural Land Commission Act</u>		Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a)	Filed Standard Charge Terms	_____	D.F. No.
(b)	Express Charge Terms	<u> X </u>	Annexed as Part 2
(c)	Release	_____	There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S):*

1. TRANSFEREE(S): *name(s), occupation(s), postal address(es), postal code(s)

Provincial Agricultural Land Commission, a corporation created by an act of the legislature of the Province of British Columbia, having an office at #133 - 4940 Canada Way, Burnaby, British Columbia, V5G 4K6.

7. ADDITIONAL OR MODIFIED TERMS:*

2. EXECUTION(S):**This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

Y M D

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" attach schedule in Form E.

** If space insufficient, continue executions on additional page(s) in Form D.

Land Title Act

**FORM D
EXECUTIONS CONTINUED**

OFFICER SIGNATURE(S)	EXECUTION DATE (Y/M/D)	PART(IES) SIGNATURE(S)
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Solicitor/Notary Public

(name)

(name)

(name)

Solicitor/Notary Public

(name)

Provincial Agricultural Land Commission

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Land Title Act

**FORM E
SCHEDULE**

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM OR GENERAL DOCUMENT FORM.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

(PARCEL IDENTIFIER) (LEGAL DESCRIPTION)

2. The covenants in this Indenture shall be covenants running with the Lands and shall be binding on the successors in title and assignees of the Lands.
4. None of the covenants herein shall be personal or binding upon the Transferor, save and except during the Transferor's seisin or ownership of any interest in the Lands.
5. The Transferor covenants with the Transferee that the Transferor has done no acts to charge or encumber the Lands, save the charges or encumbrances set forth in the first schedule attached thereto.
6. The Mortgagee as mortgagee of the Lands by virtue of the Mortgage registered in the Land Title Office aforesaid on _____ under number _____ (the "Mortgage") joins herein for the purpose of consenting to the covenants given by the Transferor to the Transferee, and further the Mortgagee hereby grants to the Transferee, in respect of this Indenture and such covenants, priority over the interests of the Mortgagee in the Lands by virtue of the Mortgage and hereby postpones the Mortgage and all the Mortgagee's right, title and interest thereunder in and to the Lands with the intent that the interests of the Mortgagee in the Lands shall be wholly subject to the rights and interests of the Transferee under this Indenture to the same effect and extent as if this Indenture had been dated, executed, delivered and registered before the Mortgage. *(Delete if not applicable)*
7. The Transferor and the Mortgagee will, upon the request of the Transferee, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents, and assurances whatsoever as may be necessary or desirable for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements herein. *(Delete if not applicable).*
8. This Indenture shall enure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.
9. Words importing the male gender include the female gender and either includes the neuter and vice versa and words importing the singular number include the plural number and vice versa.

Land Title Act

First Schedule

Charges Against Lands

This is the first schedule to a certain Indenture dated for reference the _____ day of _____, 20____, made between _____ and the Provincial Agricultural Land Commission and _____ as "Mortgagee". *(Delete reference to mortgagee if not applicable)*

(Insert Charges Against Lands)

Land Title Act

Second Schedule

Subdivision Plan

This is the second schedule to a certain Indenture dated for reference the _____ day of _____, 20____, made between _____ and the Provincial Agricultural Land Commission and _____ as "Mortgagee". *(Delete reference to mortgagee if not applicable)*

(Insert Charges Against Lands)

END OF DOCUMENT

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered and beneficial owner of certain lands and premises set forth in the schedule attached hereto as Form E (the "Lands");
- B. All of part of the Lands consist of agricultural land situated in the Agricultural Land Reserve of the _____ ("Regional District") and are subject to the provisions of the Agricultural Land Commission Act (the "Act") and the Regulations thereto;
- C. The Transferor wishes to exclude the Lands from the Agricultural Land Reserve
- D. The Transferor has applied to, or caused an application to be made to the Transferee for authorization to exclude the Lands from the Agricultural Land Reserve
- E. The Transferee is empowered to authorize the exclusion of the Lands from the Agricultural Land Reserve and to impose terms it considers advisable pursuant to the Act and Regulations thereto; and
- F. The Transferee, by execution of this Indenture, has agreed to exclude the Lands from the Agricultural Land Reserve upon terms and conditions considered advisable by the Transferee and which are set out below, and the Transferor and the Mortgagee have agreed below to the imposition of these terms and conditions and to the execution and registration of this Indenture:

THEREFORE in consideration of the premises and of the sum of one dollar (\$1.00) of lawful money of Canada, now paid by the Transferee to the Transferor and the Mortgagee, the receipt of which is hereby acknowledged, and other good and valuable consideration the parties covenant and agree as follows:

In this Indenture the following definitions shall apply where the context allows:

- (a) "enactment" means an enactment as defined in the Interpretation Act of Canada and an enactment as defined in the Interpretation Act of British Columbia;
- (b) "transfer" includes a conveyance, a grant, an assignment and a grant of a leasehold interest;
- (c) "transferee" includes a grantee, an assignee and a lessee.

1. The Transferor shall not

_____ whatsoever on:

- (i) the Lands;
- (ii) that part of the Lands [being Lot(s) _____, Plan _____] shown hatched on the Subdivision Plan attached hereto as the second schedule.

(Strike out & initial whichever of (i) or (ii) is applicable)



Staff Report
Application # C – 36299-0
Applicant: Camosun College
Agent: Brian French

DATE RECEIVED: October 11, 2005

DATE PREPARED: November 7, 2005

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To exclude the 4 ha ALR portion of the 11 ha subject property to construct a sports training/research/education centre associated with Camosun College and the Pacific Sport Institute.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

A "Soils on site report" was prepared by C&F Land Resource Consultants Ltd. The analysis concluded that 55% of the area is predominately Class 7, 25% of the area is occupied by the Forest Research Centre, 15% is Class 5 (improveable to Class 4 with drainage), and 5% is Class 4 (improveable to Class 3 with irrigation).

The Forest Research Centre, which currently covers approximately 1.2 ha, will continue to be leased to the Ministry of Forests.

Local Government:

The Corporation of the District of Saanich

Legal Description of Property:

Lot A, Section 1 & 20, Lake District, Plan VIP69114 (PID: 024-545-457)

Purchase Date:

September 2004

Location of Property:

Camosun College, 4461 Interurban Road

Size of Property:

11.0 ha (approximately 4 ha is in the ALR)

BACKGROUND INFORMATION (continued):

Present use of the Property:

One residence, numerous buildings, a greenhouse and forest test plots associated with the BC Ministry of Forests Research Laboratory, pasture/coniferous forest.

Surrounding Land Uses:

WEST: Fallow field part of Camosun College lands, out of the ALR
SOUTH: Mixed second growth forest, BC Hydro ROW and residential lots, out of the ALR
EAST: Small lot residential development, out of the ALR
NORTH: Fallow pasture land owned by the District of Saanich, in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # CRD Study
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Saanich General Plan (1993) - ALR to be retained

Zoning Bylaw and Designation:

Rural Saanich LAPC (1981) - Institutional
Designation: Rural Zone (A-1)
Minimum lot size: 2 ha

RELEVANT APPLICATIONS:

Application #16679-0

Applicant: Province of BC / BCBC
Decision Date: July 14, 1983
Proposal: To establish a Horticultural Center of the Pacific on the subject properties (106 ha).
Decision: Allowed.

Application #19431-0

Applicant: BCBC
Decision Date: September 20, 1985
Proposal: To subdivide the subject properties into three lots of 16 ha (4 ALR), 12 ha (ALR) and 20 ha (4 ALR).
Decision: Allowed.

Application #22238-0

Applicant: Province of BC / BCBC
Decision Date: August 8, 1988
Proposal: To subdivide the existing forest service laboratory on a 2 ha lot so that it can be turned over to the Ministry of Forests.
Decision: Allowed.

Application #30587-0

Applicant: BC Building Corporation

Decision Date: May 15, 1996

Proposal: To adjust the property boundaries between three adjoining lots and create a new lot in the ALR for park purposes.

Decision: Allowed - had no objection to the new property's use as an undeveloped park, however was not prepared to allow a ball diamond or any other recreational development on ALR land.

Application #30587-1

Applicant: BC Building Corporation

Decision Date: June 28, 1996

Proposal: The applicant has submitted new information about the proposal.

Decision: Allowed the ball diamond use because it did not constitute irreversible development and fulfilled a community need.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Corporation of the District of Saanich: Forwarded with a recommendation for approval

Director of Planning, Russ Fuoco: That the application be forwarded with a recommendation for approval.

STAFF COMMENTS:

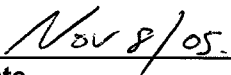
The discrepancy between the soil capability of the Agricultural Capability Map and the report produced by C&F Land Resource Consultants Ltd. is most likely a result of the different scales on which the mapping was done. It appears as though the report identified rocky outcrops that were not noted in the Agricultural Capability Map.

If it determines that the soil capability is satisfactory, the Commission might consider the possibility of retaining the land in the ALR and allowing a non-farm use rather than excluding the subject property. The land to the north of the proposed exclusion is mainly parkland on which the Commission has allowed the placement of playing fields and has retained in the ALR.

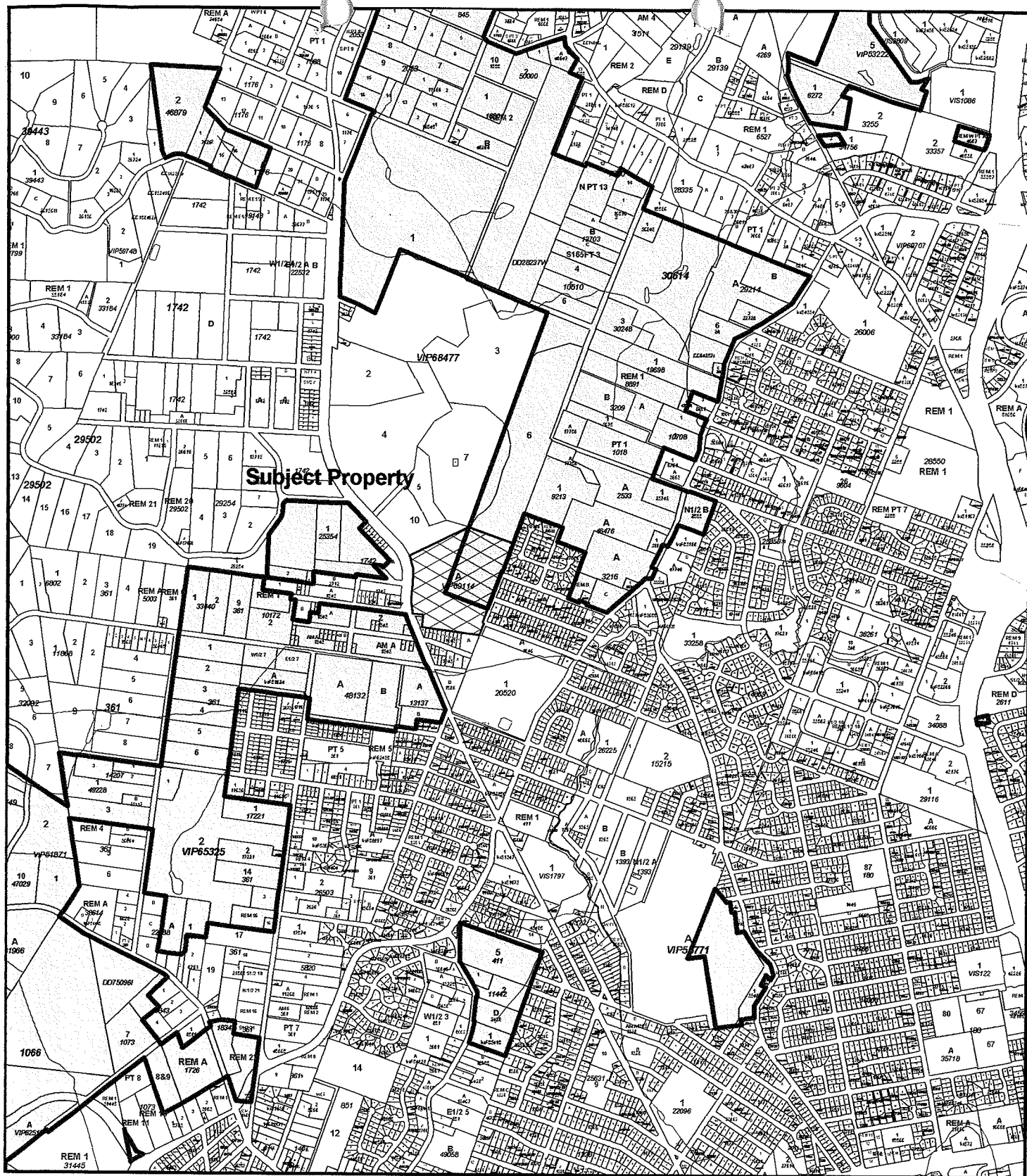
END OF REPORT



Signature



Date



Subject Property



**ALC CONTEXT MAP
Application # 36299**

Map Scale: 1: 20000

**ALC File #: 02-05-36299
BCGS Map Sheet #: 92B.043
Regional District: Capital**

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