



Agricultural Land Commission
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May 8, 2006

Reply to the attention of Ron Wallace

Cherry Hill Estates Ltd.
RR5 – 7178 Mark Lane
Victoria, BC V9E 2A1

Attention: Bruce Story

Re: Application # C-36585
Parcel A (DD53328I), Section 47 & 48, Lake District, EXCEPT Part in
Plan 7793

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 0.59 ha from the eastern boundary of the property to be developed into four residential lots. You also propose to create a 1.17 ha nature park adjacent to the residential development. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 18 April 2006. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- the preparation of a subdivision plan to delineate the 1.17 ha to be created as a natural park as shown on the attached drawing.
- 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 #177/2006.

For each of the above noted subdivision plans, please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan(s) are acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plans and also confirm the exclusion of the area from the Agricultural Land Reserve Plan of the District of Saanich.

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Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: District of Saanich - ALR2005-00003

RW/lv/Encl./36585d1

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on 19 April 2006 at the Ministry of Agriculture and Food office, Duncan, BC.

PRESENT: Lorne Seitz Chair
 David Craven Commissioner
 Donald Rugg Commissioner

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

For Consideration

Ron Wallace presented his staff report dated 6 April 2006 regarding application #C-36585-0, Cherry Hill Estates Ltd. The proposal is to exclude 0.59 ha from the eastern boundary of the property to be developed into four residential lots. This portion of the property is adjacent to residential development outside of the ALR. Adjacent to the area proposed for exclusion the applicants plan to create a 1.17 ha natural park with a 2.1 ha agricultural subdivision remnant.

Site Inspection and Exclusion Meeting

A site inspection was conducted on 18 April 2006. Those in attendance were:

- Commissioners Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer and Roger Cheetham, Planner
- Applicant Bruce Storey

It was noted during the site inspection that the eastern portion of the property is characterized by hilly topography and rocky soil conditions.

The site inspection and exclusion meeting lasted from roughly 11:00 a.m. to 11:30 a.m.

Commission Discussion

The on-site inspection was very beneficial for the Commission in determining that the eastern portion of the property is very hilly with rocky soil conditions. It was also noted that the area proposed for exclusion is adjacent to residential development and that there was local government support for the proposed exclusion. Furthermore, the Commission felt the proposed 1.17 ha natural park should be created as a separate lot from the farm property to the west.

IT WAS

MOVED BY: Commissioner D. Rugg

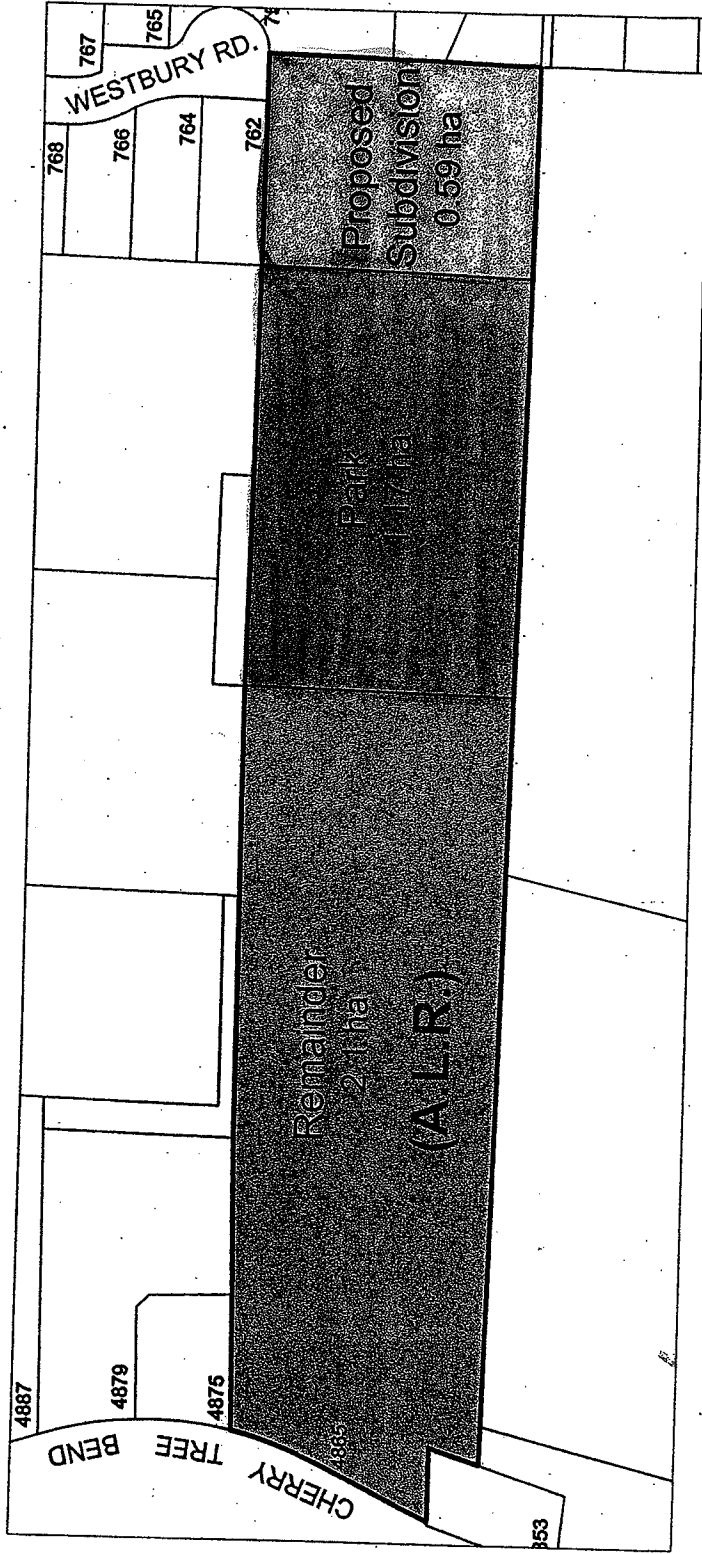
SECONDED BY: Commissioner L. Seitz

THAT the staff report be received and the application to exclude 0.59 ha from the eastern boundary of the property to be developed into four residential lots be approved.

Furthermore, the Commission required the proposed 1.17 ha natural park to be subdivided from the remainder of the ALR parcel forming a buffer between the farm parcel and the area to be developed.

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

CARRIED



Scale:



Provincial Agricultural Land Commission
 Application: C-36585
 Resolution #177/2006

Subject property.



0.59 ha area approved for exclusion from the ALR.



1.17 ha area approved for subdivision within the ALR.





Staff Report
Application # C – 36585-0
Applicant: Cherry Hill Estates Ltd

DATE PREPARED: April 6, 2006

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The subject property is 3.86 ha. The proposal is to exclude 0.59 ha from the eastern boundary of the property to be developed into four residential lots. This portion of the property is adjacent to residential development outside of the ALR. Adjacent to the area proposed for exclusion the applicants plan to create a 1.17 ha natural park with a 2.1 ha agricultural subdivision remnant.

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

BACKGROUND INFORMATION:

There has been two previous applications on this property. One of the applications in 1988 was approved for an utility use. The other application made in 1975 was for exclusion that was refused.

Local Government:

The Corporation of the District of Saanich

Legal Description of Property:

1. PID: 005-054-788
Parcel A (DD533281), Section 47 & 48, Lake District, EXCEPT Part in Plan 7793

Location of Property:

4865 Cherry Tree Bend, Victoria

Size of Property:

3.9 ha (The entire property is in the ALR).

Present use of the Property:

Residential with a single family dwelling.

Surrounding Land Uses:

WEST: Cherry Creek Bend (Road)

SOUTH: Royal Oak Burial Ground
EAST: Residential
NORTH: Haliburton Organic Demonstration Farm, rural residential, CRD Water Reservoir

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:

The Cordova Bay Local Area Plan designates the area as Rural

Zoning Bylaw and Designation:

A-1, Rural zone, 2 ha minimum lot size

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of Saanich Council

The Municipal Council on 27th March 2006 moved the application to exclude the eastern 0.59 ha portion of the property from the ALR be forwarded to the ALC.

The Director of Planning

The report to Mayor and Council dated 15 March 2006 is attached. The Administrator's comments are:

"I recommend the application to exclude the eastern 0.59 ha portion only of the property from the ALR be forwarded to the ALC with a resolution of support, and that a Public Hearing be called subject to receipt of a decision by the Commission to approve the exclusion application."

COMMENTS OF PLANNING OFFICER:

In 1981 the Commission informed the then owners of this property that it was of the opinion that the encroachment of urban uses had precluded its use for agricultural purposes and consequently it would entertain an application for the exclusion of the property from the reserve. Subsequent amendments to the Cordova Bay Local Area Plan and to the General Plan for Saanich reflected this perspective. More recently the former Haliburton reservoir site to the immediate north has been developed for agriculture by the Haliburton Organic Community farm.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- the subject property is one of two properties within an isolated block of the ALR.
 - the property has an agricultural capability rating of class 2X (X referring to minor soil limitations).
 - It is the consensus of the community that there is valuable 2nd growth forest and under-story on the parcel. Given this fact, it is recommended by the local government to support the proposed exclusion in order to preserve the bulk of the valuable forest ecosystem on the parcel.
 - An on-site inspection will benefit the Commission in better determining the merits of the application.
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END OF REPORT



Signature

Date 11 April 2006