



Agricultural Land Commission
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May 12, 2010

Reply to the attention of Gordon Bednard
ALC File: 51051

Gerard Leblanc
c/o Landworks Consultants Inc.
864 - 3rd St.
Courtenay, BC V9L 1G1

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2432/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Municipality of North Saanich

GB/lv
/51051d1

'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is variable and includes the following according to the BCLI mapping:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

- A soil moisture deficiency
- D undesirable soil structure
- R shallow soil / bedrock outcroppings
- T topography
- W excess water

According to the Madrone Environmental Services report the ratings for the 12.1 ha area proposed as a new lot are:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

- A soil moisture deficiency
- D undesirable soil structure
- R shallow soil / bedrock outcroppings
- T topography
- W excess water
- P stoniness

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission is generally reluctant to subdivide ALR land as its experience has been that smaller parcels tend to be used for non-farm purposes, which

often leads to conflicts with lands remaining in farm use. The Commission also considers that uniform farm landscapes are rare, that most farm properties exhibit a variety of soil types and capabilities. In itself, this variability of agricultural potential is not a reason for subdivision of land, as the less capable areas of a farm can be used for farm buildings, winter pasture, farm dwellings, equipment storage and non-soil based agriculture. Subdivision of the subject property would alienate potentially usable land from the existing farm, and thereby would impact existing or potential agricultural use of the subject land. The Commission appreciates that the potential purchaser of the smaller proposed lot has expressed a desire to assist in the existing farm operation, however, there can be no assurance that subsequent owners will be like-minded.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Jennifer Dyson

THAT the application be refused for the above reasons.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED

Resolution # 2432/2010