



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

February 14, 2014

ALC File: #53531

Ned Pottinger  
Pottinger Gaherty Environmental Consultants Ltd.  
1200-1185 West Georgia Street  
Vancouver, B.C. V6E 4E6

Dear Mr. Pottinger:

**Re: Application for Road Right of Way in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #11/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Liz Sutton', is written over the printed name.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #11/2014  
Sketch plan

cc: District of Central Saanich

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## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53531.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

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**PROPOSAL** (Submitted pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation))

The Tsawout First Nation is making application on behalf of the current owners to use approximately 0.7 ha of the 9.4 ha subject property for the construction of an overpass.

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### PROPERTY INFORMATION:

**Owners:** Athan, Lydia, Hercules and Ekaterina Georgiades

**Legal:** PID: 003-693-422  
That part of Section 9, Range 4 East, South Saanich District, Lying to the West of the Westerly boundary of Plan 3 RW, Except that part in Plan 46799

**Location:** Central Saanich

**Size:** 9.4 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

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.

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## COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agent provided a report by Bunt & Associates Engineering Ltd (the "Bunt Report") dated January 20, 2014 in which the different alternatives explored by the applicant in cooperation with the Ministry of Transportation and Infrastructure and the Municipality of Central Saanich were discussed over the past three years. The Bunt Report identified the current proposed alignment as having the least impact on agricultural land.

**Conclusion:**

The Commission concurs with the Bunt Report which identifies the current proposed overpass as having the least impact on agricultural land.

2. The Commission noted that the application discussed possible future roadways that could be linked into the existing proposal. Two of the potential roads would affect ALR land in the area. The Commission is concerned that additional roads will reduce the agricultural options of surrounding agricultural land. If additional roads are to be proposed, the Commission strongly recommends that the applicants consider the impacts of those roads on agricultural lands prior to making application to the Commission.

**Conclusion:**

Approval of the current proposal should not be construed in any way as implicit support for any potential future roads within the ALR.

## IT WAS

**MOVED BY:** Commissioner Miles  
**SECONDED BY:** Commissioner Collins

THAT the request to use 0.7 ha of the subject property for the purpose of an overpass be approved subject to the following conditions:

- The overpass be in substantial compliance with the plan submitted with the application;
- The replacement of agricultural infrastructure, such as fencing and drainage systems, to the same or better standard upon completion of the project;
- The maintenance of temporary fences, farm accesses and other farm facilities during construction to minimize disruption to farm operations;
- The submission of a soil salvage plan by a professional Agrologist for Commission review and approval; and
- Salvaging the soil in accordance with the soil salvage plan approved by the Commission;

- Construction of the overpass must commence within three years of the date of this decision;

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply 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.

**CARRIED**  
**Resolution #11/2014**

**ALC #53531 (Tsawout First Nation)  
Resolution #111/2014**

**Approved Overpass Alignment**

**+/-  
0.7 ha**

**JUS KUN ROAD**

**PATRICIA BAY HIGHWAY**

**CENTRAL SAANICH ROAD**

2011 orthophoto obtained through the City of Vancouver's open data catalogue.

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