



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: C-38301

September 25, 2008

Laura Dowhy
2150 Parkland Road
Sooke, BC V9Z0G6

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 560/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written in a cursive style.

Erik Karlsen, Chair

cc: The District of Sooke (ALRSUB2008-0161)

Enclosure: Minutes

TK/
i/38301d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 10, 2008 at the offices the District of Saanich, located at 770 Vernon Ave, Victoria, B.C.

PRESENT:

Lorne Seitz	Chair, Island Panel
David Craven	Commissioner
Jennifer Dyson	Commissioner
Terra Kaethler	Staff
Roger Cheetham	Staff

For Consideration

Application: # C- 38301
Applicant: Laura Dowhy
Proposal: Subdivision for a Relative: to subdivide the 1.8 ha subject property into two equal sized lots to provide a residence for a family member.
Legal: PID: 000-909-009
Location: Lot 3, Block 6, Section 11, Sooke District, Plan 2434
2150 Parkland Road

Site Inspection

A site inspection was conducted on September 10, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Noah Dowhy Applicant's son
- Amanda Dowhy Applicant's daughter

The Commission noted that the property was currently used primarily for a residence. Approximately half of the lot was cleared, which was utilized by residential buildings and a substantial vegetable garden. The other half of the lot was forested and appeared to be swampy. The property was on municipal water and in a small block of ALR parcels.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), '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 improvable to Class 2, with a limitation of undesirable soil structure. Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The Commission considered that the soil capability ratings reflected prime capability for agricultural use and that the property could thus support a broad range of agricultural activity in its present size. The Commission believed that subdivision of the property would decrease the agricultural potential of the property.

Assessment of Agricultural Suitability

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission recognized that the parcel was small and bordered on two sides by non-ALR lands. However, given its agricultural capability, the Commission believed that the expansion of agricultural activity was possible on the current size of the lot. As such, the Commission did not believe there were external factors that rendered the land unsuitable for agricultural use.

Further, the Commission is of the view that the subject property would be appropriate for small lot intensive agriculture or urban agriculture activities, given its size and close proximity to an urban population.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural value as a single unit than as two separate parcels and that subdivision would negatively impact the agricultural opportunities suited to the subject property in the long-term.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

THAT the application be refused.

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 # 560/2008