



**Agricultural Land Commission**  
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July 3, 2009

Reply to the attention of Gordon Bednard  
ALC File: C-38868

David Stevens  
6459 Welch Road  
Saanichton, BC V8M1W7

Dear Sir:

**Re: Application for a non-farm use of land within an ALR (second dwelling)**

Please find attached the Minutes of Resolution # 224/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: The Corporation of the District of Central Saanich (3360-40-1/09)  
BC Assessment, Victoria

GB/eg  
i/38868d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on May 26, 2009 at Central Saanich, B.C.**

|                 |                |                     |
|-----------------|----------------|---------------------|
| <b>PRESENT:</b> | Lorne Seitz    | Chair, Island Panel |
|                 | Niels Holbek   | Commissioner        |
|                 | Jennifer Dyson | Commissioner        |
|                 | Gordon Bednard | Staff               |

### For Consideration

Application: # C- 38868  
 Applicant: David Stevens

Agent: None

Proposal: Applicant is requesting allowance to continue to use a 650 square foot barn loft area for farm help accommodation. Barn with suite was constructed approximately 8 years ago without permits or other approvals from Commission or local government. Owner states that he needs the assistance on his farm due to medical issues.

Legal: 1. PID: 007-645-716  
 Lot 9, Section 15, Range 6 East, South Saanich District, Plan 1242, EXCEPT Part in Plan 24698

Location: 6459 Welsh Road, Central Saanich, Capital RD

### Site Inspection

A site inspection was conducted on May 26, 2009. Those in attendance were:

- Lorne Seitz                      Chair, Island Panel
- Niels Holbek                    Commissioner
- Jennifer Dyson                 Commissioner
- Gordon Bednard                Staff
- David Stevens                 Applicant

The Commission toured the property with the applicant and viewed the existing loft accommodation.

David Adams (lawyer for the applicant) confirmed that the staff report dated March 6, 2009, was received and no errors were identified.

### 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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

## **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 Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops. No limitations are specified on the available capability mapping.

### **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 considered whether the provision of additional accommodation for farm assistance, within a farm building, would affect the ability to practice agriculture on the property. In the case of the particular circumstances of this application, the Commission does not believe the proposal would impact existing or potential agricultural use of the subject or surrounding lands.

## **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 not impact agriculture.

## **IT WAS**

**MOVED BY:** Commissioner Jennifer Dyson

**SECONDED BY:** Commissioner Niels Holbek

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the registration of a covenant for the purpose of restricting residential dwellings on the property to the existing single family dwelling and the existing loft accommodation within the existing barn for farm help.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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.

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 # 224/2009**