



**Agricultural Land Commission**  
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July 3, 2009

Reply to the attention of Gordon Bednard  
ALC File: C-38869

Vern and Frances Michell  
3047 Island View Road  
Saanichton, BC  
V8M1W3

Dear Vern and Francis Mitchell:

**Re: Application to subdivide land within an Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 226/2009 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: The Corporation of the District of Central Saanich (3360-40-2/09)  
BC Assessment, Victoria

GB/eg  
i/38869d1



# 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- 38869  
 Applicant: Vern and Frances Michell

Agent: None

Proposal: Applicants propose to subdivide a 4 ha lot from the existing 40 ha property. The property is presently divided by several roads into 6 areas. The owner's son (Tom) and his family presently reside in the existing dwelling on the proposed 4 ha site. The son and family all work on the farm. Mitchells farm is comprised of 12 properties in the Central Saanich municipality.

Legal: 1. PID: 000-387-142  
 Lot 1, Section 11 and 12, Range 4 East, South Saanich District, Plan 36362

Location: 2598 Island View 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
- Vern, Frances, Wilmer and Tom Mitchell                      Applicants

The Commission discussed the application with the applicants and viewed the subject property and the boundaries of the proposed 4 ha lot.

Vern and Tom Mitchell confirmed that the staff report dated May 7, 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 that portion of the subject property where the 4 ha lot would be created is

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

#### Subclasses

W        excess water

#### **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 believes that the simple creation of a lot within an agricultural area, without a compensatory benefit to agriculture such as the consolidation of two other agricultural properties, would have a negative impact on existing or potential agricultural use of the subject 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 in and of itself will impact agriculture.
4. That the proposal as stated 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 approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.
- the consolidation of two other contiguous lots from the inventory of Mitchell farms or its principles.

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 # 226/2009**