



Agricultural Land Commission
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July 3, 2009

Reply to the attention of GORDON BENARD
ALC File: J-38963

Focus Intec
715 Canada Avenue
Duncan, BC
V9L1V1

Dear Ross Blackwell/Dick Wright:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 233/2009 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:


Erik Karlsen, Chair

Enclosure: Minutes

cc: The Corporation of the District of North Cowichan (3025-20 08.07)
BC Forest Museum Society, 2892 Drinkwater Road, North Cowichan, BC V9L6C2

GB/eg
i/38963d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 25, 2009 at Duncan, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	Niels Holbek	Commissioner
	Jennifer Dyson	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: # J- 38963
 Applicant: BC Forest Museum Society
 Agent: Focus Intec
 Proposal: BC Forest Museum Society is requesting exclusion of the 33 ha forest museum property. The property has been utilized as a forestry museum since prior to the advent of the ALR, and plans to continue that use into the future. No agricultural use of the property is contemplated. "The current status of the property as ALR has created significant logistical and operational problems..." The removal of the land from the ALR will allow for "the ability to program and plan for the future and capitalize on unexpected opportunities"... and provide "greater control over its operations"...

Legal: 1. PID: 023-378-794
 Lot 1, Section 2 and 3, Range 5 and 6, Somenos District, Plan VIP62422

Location: 2892 Drinkwater Road, North Cowichan, CVRD

Site Inspection and Exclusion meeting

A site inspection was conducted on May 25, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff
- Ross Blackwell Agent
- Dick Wright Agent
- Vicki Holman Forestry Society

The Commission was taken on a tour of the Forestry Museum Site and discussed the application with the agents and the representative of the Museum Society. It was explained that with the property being in the ALR, the Society could not react in a timely manner to opportunities for fund raising for the museum.

Ross Blackwell confirmed that the staff report dated April 20, 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.

According to available BCLI mapping:

The agricultural capability of the soil of the subject property 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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

D undesirable soil structure
T topography
W excess water

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

According to a report by Madrone Consultants:

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.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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.

Subclasses

D undesirable soil structure
F low fertility characteristics

I inundation (flooding by streams, etc.)
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 the proposal would impact existing or potential agricultural use of the property and surrounding lands if the land were to be excluded from the ALR .

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 Lorne Seitz

SECONDED BY: Commissioner Jennifer Dyson

THAT the application for exclusion be refused.

That the Commission would like to work with the Museum Society to develop a comprehensive proposal for the future forestry/agricultural land use of the property. This could include (but not be limited to) a wide range of short and/or long term uses which would both allow the Museum Society to generate revenue to support museum programs, but also protect the land for its future agricultural potential.

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 # 233/2009