



Agricultural Land Commission
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June 24, 2009

Reply to the attention of GORDON BENARD
ALC File: C-38978

Corporation of the District of Central Saanich
1903 Mt. Newton Cross Road
Saanichton, BC V8M2A9

Attention: Hope Burns

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 222/2009 outlining the Commission's decision as it relates to the above noted application.

The Commission hereby acknowledges receipt of a draft Section 219 covenant which would restrict the number of dwellings allowed on the remainder of Lot 7 to one. This covenant appears satisfactory. If the Commission is to be signatory to the covenant, please have appropriate signature blocks added to the covenant.

Once the covenant and the survey plan are finalized, please send 2 copies of each to this office for review. If satisfactory, the Commission will then forward copies to the Registrar with its approval.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

Enclosure: Minutes

cc: The Corporation of the District of Central Saanich Attn: Hope Burns (3360-40-4/09)
BC Assessment, Victoria

GB/
i/38978d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 2009 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

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

For Consideration

Application: # C- 38978
 Applicant: Corporation of the District of Central Saanich
 Agent: Corporation of the District of Central Saanich
 Proposal: The Municipality of Central Saanich has an option to purchase a portion of the subject property which would be added to George May and Centennial Parks which are adjacent. This portion of the subject lands is a ravine along Graham Creek. The subdivision is proposed to run along the top of the creek bank, and the Municipality would acquire the ravine section for addition to the park. The balance of the property would remain as a residence/hobby farm greater than 0.8 ha in size.

Legal: 1. PID: 008-893-616
 Lot 7, Section 7, Range 2 East, South Saanich District, Plan 575

Location: 1774 Prosser 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

The Commission viewed the area proposed for subdivision from both sides of the ravine/creek.

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

Subclasses

D undesirable soil structure
W excess water

It was noted by the Commission during the site inspection that the scale of the available mapping for agricultural capability could not accurately reflect the small incised creek bed which made up the proposed subdivided lot. Onsite observations showed the side slopes to be extreme (class 6-7) in the opinion of the Commission, and the Commission concluded that the subject lot proposed for addition to the parkland could not be reasonably used for agriculture.

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 does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the land under application is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Niels Holbek
SECONDED BY: Commissioner Lorne Seitz

THAT the application be allowed as presented.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application;
- the registration of a covenant for the purpose of restricting the number of dwellings on the balance of the property (the non-park portion) to one dwelling;
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 222/2009