



Agricultural Land Commission
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February 17, 2010

Reply to the attention of Gordon Bednard

Beddig Development Ltd.
2030 Malaview Road
Sidney, BC V8L 5X6

Dear Sirs:

Re: Application for Exclusion from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #1906/2009 outlining the Commission's decision as it relates to the above noted application.

The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the conditions of approval have been met.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours Truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white rectangular area. The signature is fluid and cursive.

Erik Karlsen, Chair

Enclosure: Minutes

Cc: Islands Trust Salt Spring Island
Landworks Consultants Inc., 864 3rd Street, Courtenay, BC V9N 1G1

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A meeting was held by the Provincial Agricultural Land Commission on 18th December 2009 at Duncan, BC

PRESENT:	Lorne Seitz	Chair, Island Panel
	Niels Holbek	Commissioner
	Jennifer Dyson	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: 38767
 Applicant: Beddis Development
 Agent: Landworks Consultants Inc.
 Proposal: The exclusion of a 5.0 ha property from the ALR
 Legal: PID 006-461-794, Lot 2, Section 18, Range 4 East, North Saltspring Island, Cowichan District, Plan 2289, Except parts in Plans 3960, 6134, 47303 and Except part in Parcel A 9DD 25348110 and Except that part in Plan VIP60214
 Location: 201-225 Beddis Road

Site Inspection

A site inspection was conducted on 25th March 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Roger Cheetham Staff
- Gerard LeBlanc Applicant
- Mark Ritteler Applicant
- Andy Scheres Applicant
- Gary Dunphy Applicant

The Commission walked over the property and noted that a significant portion has been leveled and debilitated as a consequence of several previous uses of the land including use as a sawmill, gravel extraction and the storage of building materials. It noted that buildings are generally confined to the western and northern portions of the property. The undisturbed areas comprise in the main, a steep ravine at the southern end of the property, a small relatively undisturbed area at the top of the ravine and an area around a dwelling on the property adjacent to Beddis Road. The Commission noted that the property within the ALR to the north is used for automotive/industrial purposes and that the subject property constitutes a somewhat isolated block of land that is physically separated from properties within the ALR with potential for agricultural development.

Commissioner Eligible to Vote

Commissioner N. Holbek was not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

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

The Commission noted from the soils onsite report prepared by C & F Land Resource Consultants Ltd. dated 30th May 2005 that the bulk of the site (76.4%) has Class 5 unimproved capability and the remaining 23.6% is rated as Class 7 with no agricultural capability. The Commission concurred, in the light of the site inspection, with the conclusions of the report that the property has low agricultural potential.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While the Commission recognized that the property only has limited agricultural potential it nevertheless wished to ensure that no overall losses to agriculture resulted from the exclusion of the property, particularly as it appeared possible that the capability of the soils may have been reduced by activities for which no approval has been secured from the Commission. The Commission therefore reviewed suggestions made by the applicants to address this issue, in particular the letter dated 2nd November 2009. The Commission noted that the applicants had discussed possible mitigation measures with various agricultural organizations and that an offer had been made to make land available for an agricultural product distribution centre on a portion of the site. In respect of this development the applicant was prepared to assist with the initial site preparation, to assist in the building of a new structure and in addition offer an endowment to an appropriate agricultural organization to assist with its development. The Commission considered that the offer would ensure that there were no over losses for agriculture. With regard to the possible impact of the development of the property on adjoining areas within the ALR the Commission noted the concern expressed by the Salt Spring Agricultural Advisory Committee with regard to the need for a buffer and drainage plan to protect the water course on the eastern side of the property. The Commission, in noting that it had previously approved a 50 site campground in 2004 on the adjoining property across the ravine to the south considered that the ravine provided sufficient buffering to protect the adjoining areas to the south. With regard to the need for a drainage plan to protect the watercourse the Commission considered that these interests would be looked after and protected in the normal development approval process.

IT WAS

MOVED BY: Commissioner L. Seitz
SECONDED BY: Commissioner J. Dyson

THAT the application be approved

AND THAT the approval is subject to the following conditions:

- a) fulfillment of the commitments made by the proponents in the letter of November 2, 2009
- b) the establishment of tenure for the distribution centre to a recognized body representing agricultural interests as approved by the Commission
- c) Commission confirming the transfer of the agricultural distribution parcel of land to the above agricultural organization.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 1906/2009