



Agricultural Land Commission
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April 21, 2010

Reply to the attention of Gordon Bednard
ALC File: 50462

Clive Townley/Deana Unger
150 – 805 Cloverdale Avenue
Victoria, BC V8X 2S9

Dear Sir and Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2396/2010 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: City of Langford (ALR 06-05)

GB/lv
/50462d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 30, 2010.

PRESENT: Erik Karlsen	Chair
Niels Holbek	Commissioner
Jennifer Dyson	Commissioner
Gordon Bednard	Staff

For Consideration

Application: 50462
Applicant: Peter and Rose Unger
Agent: Deana Unger/Clive Townley
Proposal: Exclusion of the 2.5 ha ALR portion of this 3.4 ha property
Legal: Lot 5, Block B, Section 88, Metchosin District, Plan 1139
Location: 3398 Luxton Road, Langford

Site Inspection and Exclusion Meeting

A site inspection / exclusion meeting was conducted at the property on September 15, 2009. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- Niels Holbek Commissioner
- Jennifer Dyson Commissioner
- Gordon Bednard Staff
- Ken and Heather Showers

The Commission walked the property and discussed the application with Deanna Unger and Clive Townley.

The Commission (Karlsen/Holbek/Dyson) also viewed the property on March 15, 2010.

Commissioner Eligible to Vote

Commissioner Erik Karlsen was not present at the initial site inspection. It was confirmed that a summary of that 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

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 a mixture of:

- 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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

M	soil moisture deficiency	R	shallow soil / bedrock outcroppings
T	topography		

The Commission also reviewed a site-specific report on agricultural capability that had been prepared for the property by Madrone Consultants and provided by the applicant.

Although the ALR portion of the property has not been used for agriculture for several years, there is no reason to presume that the land, which exhibits good agricultural ratings and potential, could not be used for agriculture in the future.

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. The property is located adjacent to other agricultural lands, adjacent commercial activity is well confined to limit impact, and adjacent residential use is of a rural character.

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 subject lands and surrounding lands, by the introduction of non-agricultural activities in this area.

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 Niels Holbek

SECONDED BY: Commissioner Jennifer Dyson

THAT the application be refused for the above reasons.

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.

CARRIED

Resolution # 2396/2010