



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

November 30, 2011

Reply to the attention of Roger Cheetham  
ALC File: 38280

J.E Anderson & Associates  
4212 Glanford Avenue  
Victoria, BC  
V8Z 4B7

Dear Sirs:

**Re: Application for Exclusion the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **371/2011** 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.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title FB 83875, (PID 002-449-692, Lot A, Section 20, Range 7, Quamichan District, Plan 26864)

Please note that prior to proceeding, other approvals may be necessary.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Townend Park Estates  
District of North Cowichan (3025-20-07-12)  
Land Title Office  
BC Assessment

rc/  
38280d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

---

A meeting was held by the Provincial Agricultural Land Commission on October 26<sup>th</sup>, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Jennifer Dyson	Chair
Richard Bullock	Commissioner
Bert Miles	Commissioner
Jim Johnson	Commissioner

### COMMISSION STAFF PRESENT:

Brian Underhill	Executive Director
Roger Cheetham	Regional Planner
Terra Kaethler	Land Use Planner
Jennifer Carson	Land Use Planner

---

### APPLICATION ID: #38280

APPLICANT: Townend Park Estates  
Agent: J.E. Anderson and Associates

PROPOSAL: Exclusion of 1.3 ha property for small lot residential development  
(Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

PID: 002-449-692

Lot A, Section 20, Range 7, Quamichan District, Plan 26864

CURRENT LAND USE: Undeveloped, vacant residence and outbuildings

FARM CLASSIFICATION: No

---

### BACKGROUND:

The application was first reviewed at a meeting of the Commission that took place on 6<sup>th</sup> November 2008. In terms of Resolution Number 769/2008 the Commission tabled the application subject to further discussions with the Municipality of North Cowichan regarding potential revisions to the OCP and urban growth boundary that were currently under review. The Commission subsequently confirmed its decision to table the application after considering further correspondence from the District of North Cowichan relating to progress with the OCP in a letter addressed to the District dated 10<sup>th</sup> November 2009.

The District completed its OCP in early 2011. The plan includes the subject property in a small urban growth area. In commenting on the plan it was indicated that the Commission was unlikely to be opposed to this urban growth area but further consideration of the application was first required before this position could be confirmed.

The District of North Cowichan finally adopted the OCP on 20<sup>th</sup> July 2011 with the subject property shown in a small urban growth area and also affected by a possible road extension to Timber Crest Drive across the subject property to link with Lake Road.

In the light of the District's adoption of the OCP in a letter dated 12<sup>th</sup> October 2011 the applicant's requested that the Commission give further consideration to the application.

### **Eligibility of Commissioners to Vote:**

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote.

The records of the previous meetings of the Commission at which the application was considered, which include a record of the site inspection that took place on the 5<sup>th</sup> November 2008, and staff reports were provided to all Commission members recorded above.

---

### **COMMISSION CONSIDERATION:**

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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 using 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 identified as being improvable to Class 2 with limitations of undesirable soil structure and topography. Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

#### **Assessment of Agricultural Suitability**

The Commission noted that a number of factors significantly reduce the agricultural suitability of the property. Among these are the relatively small size of the property, its proximity to and potential impact from residential parcels to the west and rural residential parcels out of the ALR

to the east; and, if constructed, the proposed future road that divides the property into two small areas. The Commission concluded that having regard to these considerations the property has no meaningful agricultural potential and is inappropriately designated as ALR.

**IT WAS**

**MOVED BY:** Commissioner B. Miles  
**SECONDED BY:** Commissioner R. Bullock

THAT the application be allowed.

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 # 371/2011**