



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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4th October 2012

Reply to the attention of Roger Cheetham
ALC File: #52670

Ms. Kelly Gesner
Landworks Consulting Inc.
305-2940 Harriet Road
Victoria, BC
V9A 1T3

Dear Madam:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #313/2012 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.

The Commission draws your attention to section 33(1) of the *Agricultural Land Commission Act*.

SECTION 33(1) - RECONSIDERATION OF DECISIONS

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Islands Trust – Salt Spring Island (File # SS-ALR-2011.1)

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PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Gordon Bednard	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52670

PROPOSAL: To exclude the 1.8 ha property from the ALR to facilitate the development of a business park for light industrial and commercial purposes.
(Application submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owners:	Michael and Noella Fraser.
Agent:	Landworks Consultants Inc.
Date of Acquisition:	January 22, 2009
Parcel ID:	027-799-409
Title No.	FB243297
Legal Description:	Lot 1, Section 2, Range 2, East North Salt Spring Island, Cowichan District Plan VIP 86207
Civic Address:	240 Atkins Road
Size:	1.8 ha
Area in ALR:	1.8 ha
Current Land Use:	House, storage shed (former chicken coop), pump shed, auto repair shop and office.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 92B.083 (Scale 1:50,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings of the property are 60% 5RM, 40% 4T, Improvable to 60% 5RM, 40% 3T

Class and Subclass Descriptions

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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

Agricultural Considerations

The Commission decided to table the application when it was first considered at its meeting on 20th March 2012 as it wished to know how the proposed development fitted in with the Island Trust's long term plans for this area. In its further consideration of the application the Commission noted from the information provided in the response of the Islands Trust that no specific assessment of the merits of developing this property for industrial purposes as compared to other sites outside the ALR has been undertaken. Reliance is placed upon policies in the OCP under B.3.3.2.10. These, *inter alia*, require that existing sites have been developed to 80% of their total potential.

The Commission noted that it has not given approval for the auto repair shop. It further noted that the property is largely undeveloped and having regard to the soil capability ratings and the favorable growing climate the Commission was of the view that it has reasonable agricultural potential. The Commission also noted that the property is within a block of ALR properties to the north of Rainbow Road and east of Atkins Road that, while not yet developed to any major degree for agriculture, has potential for future agricultural development.

In the absence of any evidence that existing industrial sites are fully developed or that there is an overriding demand for additional industrial sites that cannot be met on properties outside the ALR the Commission concluded that no reasons had been provided that would override

agricultural considerations to the extent that the exclusion of the subject property from the reserve could be justified.

DECISION:

IT WAS

MOVED BY: Commissioner Jerry Thibeault

SECONDED BY: Commissioner Bert Miles

THAT the application be refused.

CARRIED

Resolution # 313/2012