



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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October 15, 2012

Reply to the attention of Liz Sutton
ALC File: 52837

Dennis Bowcott
8449 Alec Road
Saanichton, BC
V0S 1M0

Dear Sir:

Re: Application to Include land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #66/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to sections 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(s): Minutes

cc: District of Central Saanich (3360-40-1/12)

LS/52837d1



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
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

APPLICATION ID: #52837

PROPOSAL: Include a 4.5 ha property and the adjacent eastern 4.5 ha portion of a 13.2 ha property. (Submitted pursuant to section 17(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel 1

Parcel ID: 000-302-201
Legal Description: Lot A, Sections 1, 2 and 3, Range 1 West, South Saanich District, Plan 34705
Civic Address: 8383 Rae-Leigh Place, Saanichton
Size (ha): 4.5
Area in ALR (ha): 0
Current Land Use: Forested
Farm Classification: No
(BC Assessment)

PARCEL 1

PROPERTY OWNER INFORMATION: Dennis Bowcott

DATE PROPERTY ACQUIRED: July 24, 1958

Parcel 2

Parcel ID: 004-256-051
Legal Description: Lot 1, Section 1, Range 2 West, South Saanich District, Plan 15385, except that part thereof described as follows: commencing at the south

west corner of said lot; thence easterly along the southerly boundary of said lot for a distance of 250.0 feet; thence northerly and parallel to the easterly boundary of said lot for a distance of 100.0 feet; thence westerly and parallel to the said southerly boundary to an intersection with the westerly boundary of said lot; thence southerly along the said westerly boundary to the point of commencement

Civic Address: 8449 Alec Road, Saanichton
Size (ha): 13.2
Area in ALR (ha): 0
Current Land Use: Fish ponds, water retention pond, green house, chicken houses, grapes, smoke house, residence.
Farm Classification: Yes
(BC Assessment)

PARCEL 2

PROPERTY OWNER INFORMATION: Dennis Bowcott

DATE PROPERTY ACQUIRED: May 13, 1996

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.

After reviewing the file information the Commission has concluded as follows:

1. The predominant Canadian Land Inventory ratings applicable to the area of the subject properties proposed for inclusion are 80% Class 7 with limitations of bedrock near the surface and topography (7RT), and 20% Class 6 with limitations of bedrock near the surface and moisture deficiency (6RM). There are no improvable ratings applicable to the subject property and a CLI rating of Class 7 denotes no productivity.

With regards to agricultural suitability, the lands proposed for inclusion are not in close proximity to any other ALR lands. In the Commission's experience isolated pockets of poor capability agricultural land within the ALR may facilitate the request for exclusion if the land is sold to a new owner.

Conclusion: The parcel does not have good agricultural capability as indicated by the predominant CLI ratings of Class 7RT and 6 RM and therefore the lands are not a suitable candidate for designation as ALR.

2. Based on the information provided by the applicant, the intent of the proposal is to include land into the ALR in order to circumvent compliance with bylaws and permits.

Conclusion: Avoiding compliance with regulations is an inappropriate argument for including land into the ALR, and even if the land was included, the ALR designation would not provide the relief which the applicant is seeking.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Pranger

THAT the application be refused.

CARRIED

Resolution # 66/2012