



# Provincial Agricultural Land Commission - Staff Report

## Application: 52837

**Applicant:** Dennis Bowcott  
**Local Government:** District of Central Saanich

**Proposal:** Include a 4.5 ha property and the adjacent eastern 4.5 ha portion of a 13.2 ha property. On the border of North and Central Saanich.

### BACKGROUND INFORMATION

The applicant has owned the 13.2 ha property since 1958 and the 4.5 ha property since 1984, and uses them for a variety of agricultural purposes. He has been having problems with municipal bylaws preventing the deepening of fish ponds on the property and the removal of trees from around the ponds. There are also previous issues with clearing, road widening and rock/soil removal.

The area for inclusion on the larger property contains the fish ponds. The applicant has indicated the possibility of a future inclusion proposal for the remaining area (8.7 ha), if problems with bylaws continue.

The property is within a designated erosion control area, requiring a permit and geotechnical investigation prior to activities such as removing trees and removal/deposit of soil (see attached maps).

A portion of the property is also within the Terrestrial Sensitive Ecosystems Development Permit area (see attached maps). This designation necessitates an application to Council prior to any alteration of the land including rock/soil removal.

### PROPERTY INFORMATION

<b>PID:</b>	000-302-201
<b>Legal Description:</b>	Lot A, Sections 1, 2 and 3, Range 1 West, South Saanich District, Plan 34705
<b>Property Area:</b>	4.5 ha
<b>ALR Area:</b>	0.0 ha
<b>Purchase Date:</b>	July 24, 1958
<b>Location:</b>	8383 Rae-Leigh Place
<b>Owner:</b>	Dennis Bowcott
<b>PID:</b>	004-256-051
<b>Legal Description:</b>	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
<b>Property Area:</b>	13.2 ha
<b>ALR Area:</b>	0.0 ha
<b>Purchase Date:</b>	May 13, 1996
<b>Location:</b>	8449 Alec Road, Saanichton
<b>Owner:</b>	Dennis Bowcott
<b>Total Land Area:</b>	17.7 ha

## LAND USE

### Current Land Use:

The larger parcel contains two fish ponds (one 0.8 ha and one 1.5 ha) with approximately 3000 fish, one water retention pond, one greenhouse (20x40 ft), six chicken houses with hatchlings, 1ha of grapes, one smoke house, bees (currently off farm), and one residence with a shed. The eastern portion is treed.

The smaller, 4.5 ha parcel is treed, and is utilized by the applicant's bees when they are on farm.

### Surrounding Land Uses:

North: Not ALR - John Dean Provincial Park, Pauquachin Reserve (North Saanich).  
ALR - approximately 2km from the northern boundary of the subject properties.  
East: Not ALR - Heavily Forested  
South: Not ALR - Forested rural residential  
ALR - approximately 1 km from the main property and 0.5 km from the designated access to the smaller property.  
West: Not ALR - Forested lots, residential with a small nursery/green house operation.

## PROPOSAL DETAILS

**Inclusion Area:** 17.7 ha

### Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

**Source:** CLI

**Mapsheet:** 92B/5,6,11

## RELEVANT APPLICATIONS

**Application ID:** 52527

**Applicant:** Creating Homefulness Society

**Proposal:** To use 0.8 ha to construct facilities and residences for the Woodwynn Farms Therapeutic Community.

### Decision:

Resolution #	Decision Date	Decision Description
113/2012	March 19, 2012	Refused due to prime agricultural land, that the property has been historically used for agriculture, the property has been created into a larger farm unit through previous applications and that the residential facilities and programming infrastructure can be located off of the property.

**Note:** Located directly south of the properties currently under application approximately 1.6 km.

**Application ID:** 37954

**Legacy #:** 24651

**Applicant:** FG RAINSFROD

**Note:** Resolution #759/90 - August 16, 1990: Allowed 1.2 ha exclusion of ALR portion of the property. Located southeast of the properties currently under application on the edge of the ALR boundary in South Saanich.

**Application ID:** 20119

**Legacy #:** 07354

**Applicant:** R&C Croll

**Proposal:** Inclusion

### Decision:

Resolution #	Decision Date	Decision Description
13472/1979	August 16, 1979	Cabinet approved inclusion by OIC (3.2 ha). This resolution number is used to enter statistical information relating to the area approved for inclusion and subsequent decision by Cabinet.

**Note:** Resolution #6391-77 - June 1, 1977: Allow 8 ha inclusion on the Boundary are the ALR. Located southeast of the properties currently under application on the edge of the ALR boundary in South Saanich.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Designation:** Rural

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Rural Estate Agerage

**Zoning Designation:** RE 1 - Rural

**Minimum Lot Size:** 4.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Board/Council**

Moved to send application to the ALC with no recommendation at this time. June 18, 2012.

#### **Other**

City Engineering:

Designated erosion control area. Current requirements prior to cutting trees, including geotechnical investigation and municipal permits, would no longer be applicable if included into the ALR.

Permits for removal and deposit of soil have been previously issued - dedication into the ALR would expand the requirments for all soil proposals as positive benifit to agriculture would have to be demonstrated.

#### **Planning Staff**

Recommended Council to not support application for inclusion due to questionable agricultural capability, and the location of the subject property not being adjacent or near any active farming operation or lands in the ALR.

Planning staff also noted:

(1) previous bylaw issues with respect to use, tree removal and soil removal.

(2) A portion of the property is within a Terrestrial Sensitive Ecosystem Development Permit area and Riparian Development Permit area as established within the OCP necessitating an application to Council for any alteration to the land.

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- 1) The applicant has owned and farmed the 13.2 ha parcel since 1958.
- 2) The application to include the property is in response to various violations of municipal bylaws with respect to the deepening and clearing activity around the fish ponds, the widening of a road on the property, noise and an unlicenced rock quarry (as indicated by District Planning Staff).
- 3) The property is in the middle of an area currently zoned RE1 - Rural Estate. Agriculture is a permitted use within the RE1 zone. The closest ALR boundary to the properties under application is 1 km to the south.
- 4) The soil classification for the majority of both properties is secondary, Class 6 and 7 with bedrock, topographic, stoniness and moisture deficiency limitations. Approximately 2 ha (30% of the lower half of the larger lot) is rated at Class 3 with topographic and stoniness limitations. The Class 3 portion of the property is not included in the current inclusion proposal area.
- 5) The majority of the current agricultural uses on the property are non soil based (bees, chicken/duck hatchlings, fish).
- 6) If the subject properties are included into the ALR, ALR regulations would negate the Municipal Bylaws requiring an application to remove trees.

## **ATTACHMENTS**

52837\_ContextMap50k.pdf

52837\_AgCapabilityMap\_HR.pdf

52837\_AirphotoMap10k\_HR.pdf

52837App.pdf

## **END OF REPORT**

**Prepared by:** Lindsay McCoubrey, September 12, 2012