



Agricultural Land Commission
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November 15, 2016

ALC File: 54470

Capital Regional District
145 Vesuvius Bay Road
Salt Spring Island V8K 1K3

Attention: Dan Ovington

Re: Application to conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island (Resolution #385/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 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.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (sara.huber@gov.bc.ca).

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #385/2016)

cc: Islands Trust (File: SS-ALR-2015.2)

54470d1



AGRICULTURAL LAND COMMISSION FILE 54470

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Melvin Topping
Robert Tara
Nicholas Varzeliotis
Lena Varzeliotis
(the “Applicants”)**

Agent:

**Dan Ovington
(the “Agent”)**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 006-014-232

Lot 3, Section 5, Range 2 East, North Salt Spring Island, Cowichan District, Plan 4936, Except Parcel A (DD3857901)

(the "Property")

[2] The Property is 6.2 ha in area.

[3] The Property has the civic address 181 Brinkworthy Road, Saltspring Island, BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicants, in conjunction with the Capital Regional District (the "CRD") are applying to use 6.2 hectares of land for park uses, primarily playing fields with associated community recreation uses (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:



- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Evidence from any third parties of which disclosure was made to the Applicant
4. Agricultural capability map, ALR context map, and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of July 14, 2016, the Salt Spring Island Local Trust Committee resolved:

To forward the application to the Agricultural Land Commission with support for the greater community benefit in the non-farm use application, but would like to see greater benefit to local farming through the establishment of a minimum 1 ha farm leased on the subject property to a local non-profit agricultural group for the development of a farmer mentorship program; or similar.

SITE VISIT

[11] On September 22, 2016, the Panel conducted a site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[12] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on September 29, 2016 (the “Site Visit Report”).

BACKGROUND

[13] As described in the Application, the CRD has completed an island-wide assessment of lands suitable for playing fields. An outline of these efforts include:

- *August 26, 2013: an inventory was taken of all available, non-ALR property, including school property, existing CRD property, and vacant land on the Island.*
- *October 15, 2013: staff and PARC reviewed an inventory of properties that potentially met the requirements for playing fields (grade, size, zoning). PARC agreed to issue a Request for Expressions of Interest, seeking owners interested in selling their land.*
- *November 8, 2013: the Request for Expressions of Interest was sent directly to the property owners, publicly advertised in the local paper, and posted online.*
- *July 28, 2014: PARC discussed several properties that were identified through the Expression of Interest, including the Land that is the subject of this application. However, there were no submissions received that could be considered viable options for the playfields that were also on non-ALR land.*
- *September, 2014 – January, 2015: PARC and the CRD staff explored other non-ALR options, such as use of BC Parks land and arrangements with Schools. The CRD also engaged a realtor to assist in finding land, and property owners were approached directly to determine if they were interested in selling.*

- *February 16, 2015: Having exhausted the opportunities to find alternate, non-ALR properties, PARC authorized staff to negotiate an offer to purchase with the owners of 181 Brinkworthy, and submit an application to the ALC for Non-Farm use of the property.*

FINDINGS

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The improved agricultural capability ratings identified on CLI map sheet 92B/13 for the mapping units encompassing the Property are Class 2, more specifically (7:2MT-3:2W).

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), T (topographic limitations), and W (excess water).

[15] Based on the agricultural capability ratings identified by the CLI map, the Panel finds that the Property has prime agricultural capability and could support a wide range of crops.

[16] As described in the Application, Salt Spring Island does not currently have a baseball field that can accommodate youth 12 years of age and over. These youth must travel off-island to Crofton or Ladysmith to play baseball. During the Site Visit, the CRD representatives stated that there has been a growing interest in baseball and girls' softball, with a total of 274 baseball players in 2016; approximately 151 youth, and 86 adult players. The Agent asserts that there is an established need for baseball facilities that can accommodate youth 12 years of age and over on Salt Spring Island. The Panel finds; however, that baseball players represent a relatively small proportion of the population at this time.

[17] While the Panel appreciates that the CRD has conducted an analysis of other potential lands for the Proposal, the Panel is not convinced that the proposed recreational uses supersede the priority use of prime agricultural land for farm purposes.

[18] The Panel received a substantial amount of correspondence from the public regarding the Application. Of this correspondence, the majority expressed concern about the Proposal with respect to appropriate location of a sports field within the community, and the loss of prime agricultural land. Correspondence in support of the Proposal was based on arguments of a community need for baseball facilities. In consideration of the correspondence received, the Panel is reluctant to consider allowing the sports fields at the expense of prime agricultural land with an apparent lack of support from the community.

DECISION

[19] For the reasons given above, the Island Panel refuses the Proposal.

[20] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[21] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[22] This decision is recorded as Resolution #385/2016 and is released on November 15, 2016.

CERTIFICATION OF DECISION



Jennifer Dyson, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT