



**Agricultural Land Commission**  
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February 27, 2017

ALC File: 54666

Strongitharm Consulting Inc  
400-1207 Douglas Street  
Victoria BC V8W 2E7

Attention: Deane Strongitharm

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Reasons for Decision of the Island Panel (Resolution #38/2017) 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 'S. Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #38/2017)

cc: District of Saanich (File: SUB00749; ALR00011; HER00042 6187 Hunt Road) Attention:  
Sharon Hvozdzanski

54666d1



## **AGRICULTURAL LAND COMMISSION FILE 54666**

### **REASONS FOR DECISION OF THE ISLAND PANEL**

**Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act***

**Applicant:**

**Genevieve Fatt  
(the “Applicant”)**

**Agent:**

**Deane Strongitharm  
(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: 023-450-452

Lot 1, Section 18, Range 6E, South Saanich District, Plan VIP63380  
(the "Property")

[2] The Property is 10.2 ha in area.

[3] The Property has the civic address 6187 Hunt Road, Saanich 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. 21(2) of the *ALCA*, the Applicant is applying to subdivide the 10.2 ha parcel into one 0.4 ha parcel containing the original manor home, and one 9.8 ha parcel to be owned by one of the Applicant's sons upon which he will live and farm. The proposed subdivision is intended to facilitate the inter-generational transfer of the farm operation and allow the current farmer to retire (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. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the ALCA. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

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. Previous application history
- 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 October 27, 2016, the District of Saanich Council resolved:

*That the application to subdivide within the Agricultural Land Reserve to facilitate the inter-generational transfer of an existing operation be forwarded to the Agricultural Land Commission with a recommendation for approval.*

*That if the application is approved by the Agricultural Land Commission, that the Heritage Revitalization Agreement be approved.*



[11] The Panel reviewed one relevant application relating to the application:

Application ID: 14545  
Legacy File: 32884  
(Fatt's Poultry Farm Ltd, 1999)

To construct a second dwelling to be used as the principal residence. The Panel determined that the existing dwelling may be retained for farm help accommodation and that the footprint of the dwelling is not to be enlarged. The application was approved by Resolution #671/1999.

**Note: Application 14545 is located adjacent to the south of the Property and is owned by the Applicant's son.**

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## **SITE VISIT**

[12] On December 13, 2016, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[13] 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 January 17, 2017 (the "Site Visit Report").

## **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/11 for the mapping units encompassing the Property are approximately 55% Class 2D and 45% Class 3M.

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.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure) and M (moisture deficiency).

[15] As part of the Application, the Panel received a report, prepared by Thomas R. Elliot of Madrone Environmental Services Ltd., dated November 6, 2015 (the "Madrone Report"). The Madrone Report maps the soil capability areas at a scale of 1:5,000 versus the CLI at 1:50,000. For this reason, the Panel referred to the Madrone Report for assessment of agricultural capability. Based on the excavation of five soil pits, the Madrone Report finds that approximately 85% of the Property is improvable to Class 1 and 8% is improvable to Class 3A (Note: approximately 7% of the Property was not mapped due to its location on the coastal bluffs).

[16] Based on the agricultural capability ratings identified by the Madrone Report, the Panel finds that the Property has prime agricultural capability and could support a range of agriculture.

[17] The Property currently contains a heritage-registered dwelling in the northwest corner, and a farm worker dwelling in the southwest corner, both of which were constructed prior to establishment of the ALR. In addition, the Property also has five outbuildings. As described in the Application, if the Proposal is approved, the existing farm worker dwelling would be removed and one of the Applicant's sons would build a new dwelling on the northeast corner of the Property on the Class 3A lands (as identified by the Madrone Report). The Panel feels that the siting has minimal agricultural rationale for the location, as the proposed dwelling would be built on viable agricultural land that is currently being farmed.

[18] Additionally, the location of the proposed dwelling requires a long driveway. The Panel notes that from an agricultural land preservation standpoint, it is best practice to develop dwellings close to the public roadway and near other dwellings to minimize the impact on productive farmland.

[19] As discussed during the Site Visit, the proposed dwelling would be accessed via an existing farm road located on the adjacent property to the south (owned by the Applicant's other son) which runs parallel to the southern boundary of the Property. The Applicant's arrangement to use the adjacent property's driveway for access without an easement does not ensure legal access if either property is sold in the future.

[20] In conjunction with the Application, a Heritage Revitalization Agreement (HRA) is being sought for the heritage-registered dwelling with the District of Saanich. The Panel finds that the District of Saanich's Council resolution commenting on the approval of the HRA subject to ALC approval has no bearing on the Panel's considerations for subdivision.

### **DECISION**

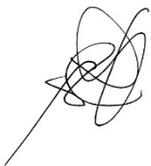
[21] For the reasons given above, the Panel refuses the Proposal.

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

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

[24] This decision is recorded as Resolution #38/2017 and is released on February 27, 2017.

### **CERTIFICATION OF DECISION**



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

**END OF DOCUMENT**