



Agricultural Land Commission
133–4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 30, 2017

ALC File: 55815

Carol Davidson
Box 24075
Victoria, BC V8Z 7E7

Dear Ms. Davidson:

Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #21/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached.

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 Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott, MCIP, RPP
Land Use Planner

Enclosures: Reasons for Decision (Resolution #21/2017)
Sketch plan

cc: District of Saanich (File: 2110-20 West Saanich Road) Attention: Sharon Hvozdzanski,
Director of Planning

55815d1



AGRICULTURAL LAND COMMISSION FILE 55815

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 17(3) of the *Agricultural Land Commission Act*

Applicant:

**Carol Davison
(the “Applicant”)**

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: 029-123-861

Lot 3, Section 74, Lake District, Plan, EPP30427

(the "Property")

[2] The Property is 3.1 ha in area.

[3] The Property has the civic address 5058 West Saanich Road, Saanich.

[4] The Property is located outside 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. 17(3) of the *ALCA* the Applicant is applying to include the 3.1 ha Property into the ALR (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. 17(3) of the *ALCA*:

17(3) On application by an owner of land, the commission may designate all or part of the land described in the application as part of an agricultural land reserve if the commission considers that the designation carries out the intent of this Act.

[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. Agricultural capability map, ALR context map and satellite imagery
4. The Madrone Environmental Services Ltd. Agrologist's Report

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

[10] At its meeting of September 12, 2016, the District of Saanich Council resolved:

That it be recommended that:

1. *The application to include 5058 West Saanich Road in the Agricultural Land Reserve be forwarded to the Agricultural Land Commission with a recommendation that only the lands outside the Natural State Covenant area on the property be included; and*
2. *The Agricultural Land Commission be requested to take into consideration the Natural State Covenant previously registered against the title.*



SITE VISIT

[11] On November 16, 2016, the Panel conducted a walk-around 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 Applicant on November 28, 2016 (the "Site Visit Report").

FINDINGS

[13] 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 40% (4TP-7RT) and 60% (2X).

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 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness), R (consolidated bedrock), T (topographic limitations), and X (comprised of soils having a limitation resulting from the cumulative effect of two or more adverse characteristics).

- [14] In addition, the Panel received a professional report, prepared by Thomas Elliot, P.Geo, A.Ag of Madrone Environmental Services Ltd., dated October 8, 2016 (the “Madrone Report”). The Madrone Report concludes:

There is opportunity to conduct small scale agriculture on Site within the approximately 1.76 hectare of land [on The Property]. There is opportunity to improve the indicated land’s capability for agriculture through installation of drainage infrastructure, or use of raised beds/rows for specialty crops.

There is access to local farm-markets, a separate drive for customers to access any potential farm store, and growing interest in Community Supported Agriculture within the region.

A portion of the Site is not suitable for agriculture due to bedrock outcrops and depth to bedrock, unsuitable soil structure and stoniness. I further identify the inundated areas in the eastern portion of the property as being important to local hydrology and do not recommend modification or development as arable land.

- [15] The Panel reviewed the CLI ratings and the Madrone Report and find that the Property has good agricultural capability and in its present size, could support a range of agriculture.

- [16] The Panel finds that there are already improvements (sheep fencing and drilling of well for water) to the lands developed by the Applicant that support agriculture and that the Applicant is an experienced farmer whose rationale for inclusion into the ALR is for agricultural protection.

- [17] The Panel notes current zoning on the Property is the District of Saanich’s Rural Zones (A1) that allows agriculture as a permitted use. Including the Property into the ALR will not require a rezoning application.

- [18] The Panel also notes that the District of Saanich has requested that the Panel take into consideration the Natural State Covenant (the “Covenant”) currently registered against the title. The Panel acknowledges that the Covenant furthers the District’s



values and policies of protecting, conserving, and rehabilitating ecologically sensitive areas as outlined in the Natural Environment section of its Official Community Plan. While the Covenant does prevent the agricultural use of a segment of the Property, the Panel feels that because the Covenant precedes the inclusion application, it shall continue to be in effect once the Property is within the ALR.

DECISION

[19] For the reasons given above, the Panel approves the Proposal to include the 3.1 ha Property into the ALR.

[20] The Proposal is approved subject to the following conditions:

- a. the terms of the existing Natural State Covenant, in its entirety, remain in effect and registered against the Property's Certificate of Title.

[21] The Commission will advise the Registrar of Land Titles that the property has been included into the ALR.

[22] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

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

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

[25] This decision is recorded as Resolution #21/2017 and is released on January 30, 2017.

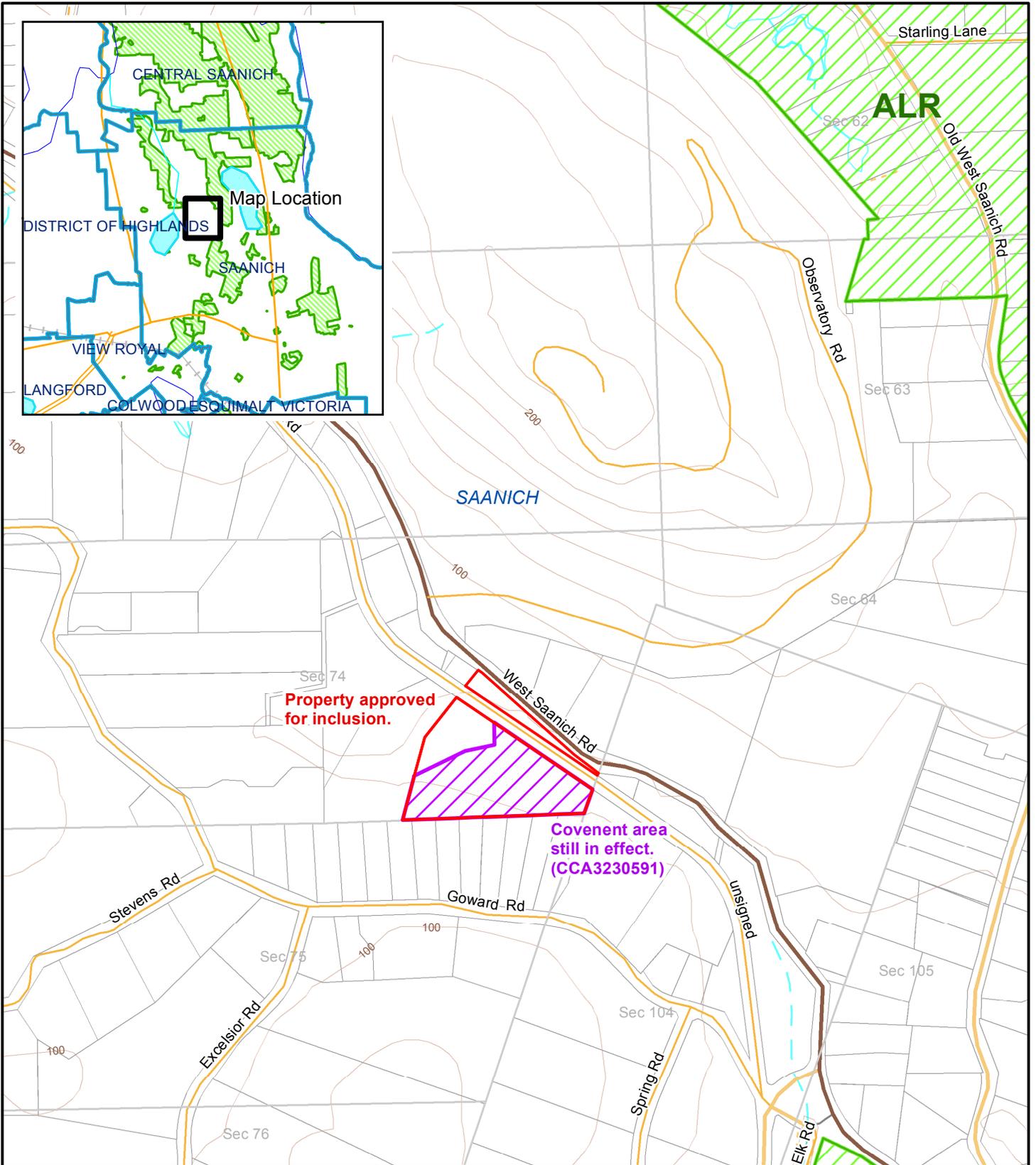


CERTIFICATION OF DECISION

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

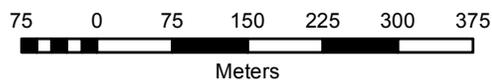
Jennifer Dyson, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT



ALR Context Map

Map Scale: 1:7,500



ALC File #:	55815
Mapsheet #:	92B.053
Map Produced:	January 27, 2017
Regional District:	Capital