



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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October 13, 2006

Reply to the attention of Roger Cheetham  
ALC File: # C - 36779

Dianne Marshall  
7059 Grant Road West  
Sooke, BC - V0S1N0

Dear Madam:

RE: **Application to exclude a portion of the property from the ALR**

Please find attached the Minutes of Resolution Number 467/2006 outlining the Commission's decision as it relates to the above noted application. The area that is to be the subject of the no-build covenant is shown on the attached drawing. The exclusion will take effect upon the registration of the covenant.

We suggest that you consult a lawyer to assist with the preparation of the covenant and look forward to receiving the draft covenant for review in due course.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

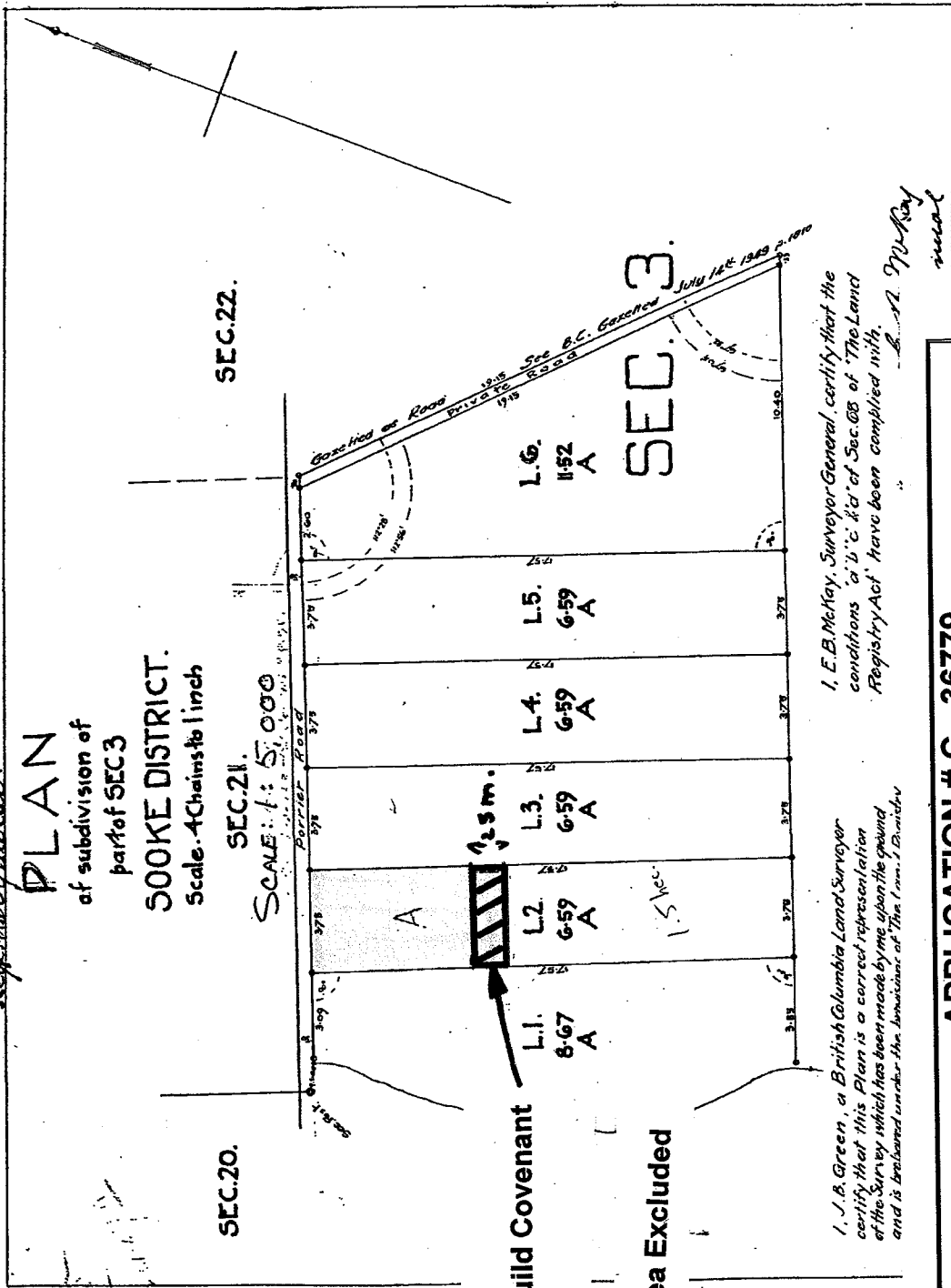
Per:

  
Erik Karlsen, Chair

pc: Capital Regional District

RC/eg/Enclosure

*Deposited this 19<sup>th</sup> day of May 1917  
A. J. Middleton  
Registrar General.*



1:5,000

**APPLICATION # C - 36779**

**Sketch showing the area excluded from the ALR and the area to which the no-build covenant applies in terms of ALC Resolution Number 467/2006**



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**Resolution Number 467/2006**  
**Application # C - 36779**

In light of this information, the Commission was sympathetic to the exclusion of the subdivision in view of its predominant use for residential purposes but considered that a no-build covenant should be placed on the southern portion that is not used for residential purposes and has agricultural potential.

**IT WAS**

**MOVED BY:** Commissioner D. Rugg

**SECONDED BY:** Commissioner L. Seitz

THAT in the light of the site inspection and discussion the application be approved subject to the registration of a covenant restricting the erection of buildings over the southern 25 metres of the property.

**CARRIED**

**Resolution Number 467/2006**



**Staff Report**  
**Application # C – 36779**  
**Applicant: Dianne Marshall**

**DATE RECEIVED:** June 26, 2006

**DATE PREPARED:** July 19, 2006

**TO:** Chair and Commissioners – Island Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To exclude 1.05 ha of the property.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The majority of the property is within the ALR; however, 35 m at the top end of the property is not and is currently zoned R1. The applicant wished to exclude the property and rezone the entire property to R1 so that it can be subdivided into smaller residential lots. She states that she has attempted to farm the property and has been unsuccessful.

Three letters were received in response to this application. Two letters support the exclusion of the property and one does not. The letter in opposition states concern about the impact of new rural residential lots on their use of the property as a dog kennel as well as drainage

**Local Government:**

The District of Sooke

**Legal Description of Property:**

PID: 007-817-045

Lot 2, Section 3, Sooke District, Plan 1185, Except Parcel A (DD 102803I)

**Purchase Date:**

2002

**Location of Property:**

7059 Grant Road West, Sooke

**Size of Property:**

1.0 ha (The entire property is in the ALR).

**Present use of the Property:**

House, 2 chicken coops, storage shed and barn

**Surrounding Land Uses:**

**WEST:** ALR  
**SOUTH:** ALR  
**EAST:** ALR  
**NORTH:** residential / Grand Road (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B/5  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

OCP Bylaw No. 2001 - Designation: Agricultural

**Zoning Bylaw and Designation:**

Zoning Bylaw No. 2040 - Designation: Agricultural  
Minimum lot size: 4ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**District of Sooke Council:** The Council forwarded the application without a recommendation.

**Local Government Planning Staff:** Forwarded to the Committee of the Whole with a recommendation not to exclude the property from the ALR.

**ATTACHMENTS:**

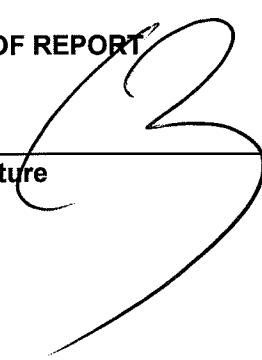
- "Will the proposal benefit agriculture" Submission from the applicant - including site plan.
- Letters from the public: 2 in favour, 1 against.
- Agricultural Land Reserve Application for 7059 Grant Road West - June 5, 2006 - Committee of the Whole Meeting Minutes.
- District of Sooke Planning Staff Memorandum: May 30, 2006
- ALR context map 92B.032 1:10,000

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END OF REPORT

Signature

Date



July 19/06