



Agricultural Land Commission
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November 15, 2016

ALC File: 55316

Sooke Community Association
6930 Sellars Drive
Sooke, BC V9Z 0K9

Attention: Karl Linell

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

Please find attached the Reasons for Decision of the Island (Resolution #390/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. 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 #390/2016)
 Sketch Plan

cc: District of Sooke (File: PLN001273)

55316d1



AGRICULTURAL LAND COMMISSION FILE 55316

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*

Applicant: **Sooke Community Association
(the “Applicant”)**

Agent: **Karl Linell
(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: 004-132-289

Lot 2, Section 15, Sooke District, Plan 17066, Except that part in Plan 19346
(the "Property")

[2] The Property is 3.5 ha in area (2.5 ha in the ALR).

[3] The Property has the civic address 2249 Sooke River Road, Sooke, BC.

[4] The Property is partially 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. 30(1) of the *ALCA*, the Applicant is applying to exclude land to install a new, all-weather, artificial turf field for use by the community (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. 30(1) of the *ALCA*:

30 (1) An owner of land may apply to the commission to have their land excluded from an agricultural land reserve.

[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. 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 June 27, 2016, the District of Sooke Council resolved:

That Council forward the ALR Exclusion Application to the Agricultural Land Commission with regard to a portion of Lot 2, Sections 15, Sooke District, Plan 17066, except that Part in Plan 19346 in order to accommodate artificial sports field use on the subject property.

[11] The Panel reviewed two previous applications involving the Property:

Application ID: 28495
Legacy File: 14839
(Sooke Community Association,
1982)

To exclude 3.6 ha of the property from the ALR to develop it as a park with baseball diamonds, soccer fields, change rooms and parking facilities. The Commission decided that the property has sufficient agricultural potential to warrant retention within the ALR, but is willing to allow the development of the property as a park as per the site plan submitted. The application was refused by ALC Resolution #1705/82.

Application ID: 28416
Legacy File: 02626
(Milne, 1976)

To exclude the subject property based on poor suitability to agriculture. The Commission determined most of the property was capable of agricultural use; however the southerly 1.2 ha was excluded based on its poor agricultural capability. The application was refused by ALC Resolution #10323/78.

SITE VISIT

[12] On September 21, 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 September 28, 2016 (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/05 for the mapping units encompassing the Property are approximately Class 2X (50%) and Class 4P (50%).

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.



The limiting subclasses associated with this parcel of land are X (combination of soil factors) and P (stoniness).

- [15] Based on the agricultural capability as determined by the CLI rating, the Panel finds that the majority of the Property is capable of supporting agriculture and is appropriately designated within the ALR.
- [16] The Property has been continuously used as playing fields since 1981. During the Site Visit, the Applicant stated that the fields are currently being overused, leading to deterioration. There is very little topsoil left, and the surface is now made up of hard pan/clay making drainage an issue. Many games have been cancelled due to rain, causing members to seek out different associations for membership with better facilities. Due to inclement weather and field flooding, the Sooke Soccer Association has been saving money to upgrade part of the field to artificial turf with the hope of keeping players in the area and reconnecting the local community.
- [17] The southern portion of the property was excluded from the ALR by Resolution #10323/78. During the Site Visit, the Applicant stated that they had looked at the possibility of putting the field on the non-ALR portion of the site, but the non-ALR area was not large enough to fit a field that meets International Federation of Association Football (FIFA) size requirements.
- [18] The Panel, in its deliberations, noted that the lands adjacent to the Property include non-farm uses. Although the location of the Property and its historical recreational use make the Property less likely to be used for agriculture in the short term, due to its continued agricultural capability for the future, the Panel is amenable to allowing the Proposal as a non-farm use, but is unwilling to exclude it from the ALR.
- [19] The ALC mandate is to preserve agricultural land, to encourage farming, and to encourage local governments to enable and accommodate farm use in their planning. Rather than excluding land for community use by individual applications, the Panel is more amenable to exclusions if they are a result of a close working relationship between



the ALC and the District of Sooke that includes longer range planning for community need and results in overall best utilization of ALR lands. A copy of this decision will be forwarded to the District of Sooke for informational purposes.

DECISION

[20] For the reasons given above, the Island Panel approves the Proposal to install a new, all-weather, artificial turf field for use by the community as a non-farm use.

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

- a. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.

[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 #390/2016 and is released on November 15, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to be 'Jennifer Dyson', is written over a horizontal line.

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

END OF DOCUMENT

ALC Application 55316 (Sooke Community Association)
Conditionally Approved Non-Farm Use
Resolution # 390/2016



Legend:
[Red outline] Property Boundary
[Blue outline] Approved Non-Farm Use