




Agricultural Land Commission
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December 13, 2006

Reply to the attention of Gordon Bednard
ALC File: #C-34031

SENT BY REGISTERED MAIL

Sun River Estates Ltd.
3471 Short Street
Victoria, BC V8X 2V6

Dear Sir/Madam

Re: Unauthorized Placement of Fill Lot "A", Sections 28, 29 and 32, Sooke District, Plan VIP75447

On September 8, 2006 your agent Ross Blackwell of Focus wrote to the Agricultural Land Commission in answer to the Commission's letter of August 22, 2006 concerning a serious breach of the *Agricultural Land Commission Act* and Regulations. Mr. Blackwell advised the Commission that it would receive a report from a soils professional detailing how the deposit of fill on the property was intended to improve the overall agricultural capability of the subject property, beyond the requirements made by the Commission in Resolution #446/2002.

The Commission hereby acknowledges receipt of a follow-up letter dated December 5, 2006 from Mr Blackwell in which he advises that EvEco Consultants Ltd. has been retained to review the fill situation.

Notwithstanding Mr. Blackwell's latest correspondence, the Commission, by Resolution # 643/2006 hereby orders the removal from the property of the fill to an approved fill site, on or before January 31, 2007. As well, the Commission now insists on immediate action towards the improvements detailed in its letter of August 30, 2006.

To ensure the removal is accomplished and the land improved, the Commission will access the \$130,000 letter of credit if need be to ensure the clearing of the land and improvement of the soils to its satisfaction.

By way of a copy of this letter the Commission is requesting the District of Sooke provide the Commission with the following information:

1. a status report as to the extent of unauthorized filling on the above noted property. Maps, diagrams and photos would be appreciated.
2. any permits applied for or approved involving the above noted property.
3. any and all correspondence between the District and Sun River Estates, or it representatives, regarding the placement of fill on the above noted property.
4. whether or not the placement of fill is an acceptable activity under existing zoning
5. whether of not the District has a soil deposit bylaw.
6. whether or not the District is contemplating, or has initiated enforcement action.

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Focus (File: 012012-22-100)
#1100 Granville Square, 200 Granville St., Vancouver, BC V6C 2R3
Attention: Mr. Ross Blackwell
District of Sooke
Attention: Mr. Peter Jmaeff

GB/

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Application # C-34031
Resolution # 643/2006

A meeting was held by the Provincial Agricultural Land Commission on December 8, 2006 by conference call.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Gordon Bednard	Staff

For Consideration

Application: #C-34031
Applicants: Sun River Estates
Property: Lot "A", Sections 28, 29 and 32, Sooke District, Plan VIP75447
Issue: Placement of unauthorized fill on land in the Agricultural Land Reserve.
The Commission considered its observations during ITS August 3, 2006 site inspection as well as correspondence dated August 30, September 8 and December 5, 2006 regarding the unauthorized placement of fill on the property.

Site Inspection

A site inspection was conducted on August 3, 2006. Those in attendance were:

Lorne Seitz	Chair, Island Panel
David Craven	Commissioner
Donald Rugg	Commissioner
Roger Cheetham	Staff

The Commission took photographs and viewed the subject property and noted that a large amount of fill had been placed on the land without its permission.

IT WAS

MOVED BY: Commissioner Lorne Seitz
SECONDED BY: Commissioner David Craven

THAT the unauthorized fill must be removed from the property by January 31, 2007

AND THAT following removal of the unauthorized fill the applicant take immediate action towards the agricultural improvements detailed in its letter of August 30, 2002.

CARRIED