



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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May 5, 2006

Reply to the attention of Ron Wallace

Rodney Wehrhahn & Bonnie Stone
5781 Callista Road
Sooke, BC V0S 1N0

Dear Sir/Madam:

Re: **Application #C-36560**
Lot 1, Section 88, Sooke District, Plan VIP72026

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude approximately 2 ha of ALR land from the northern side of the above noted property in order to provide a residence for a family member. To compensate for this exclusion of land, you propose to include into the ALR the southern 2.9 ha portion of the above noted property. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on 18 April 2006. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application for exclusion of the above noted land from the ALR subject to:

- the submission and approval of a new application to include the southern ±2.9 ha portion of the above noted property into the ALR.
- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- compliance 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. The Commission suggests you contact the Capital Regional District at your earliest convenience.

The decision noted above is recorded as Resolution **#187/2006**.

The Commission will finalize the proposed exclusion of the land from the ALR upon receipt and approval of a new application to include the proposed 2.9 ha into the ALR.

Please also send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and completes the above noted condition of approval, it will authorize the Registrar of Land Titles to accept the application for deposit of the plan and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the District of Sooke.

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Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

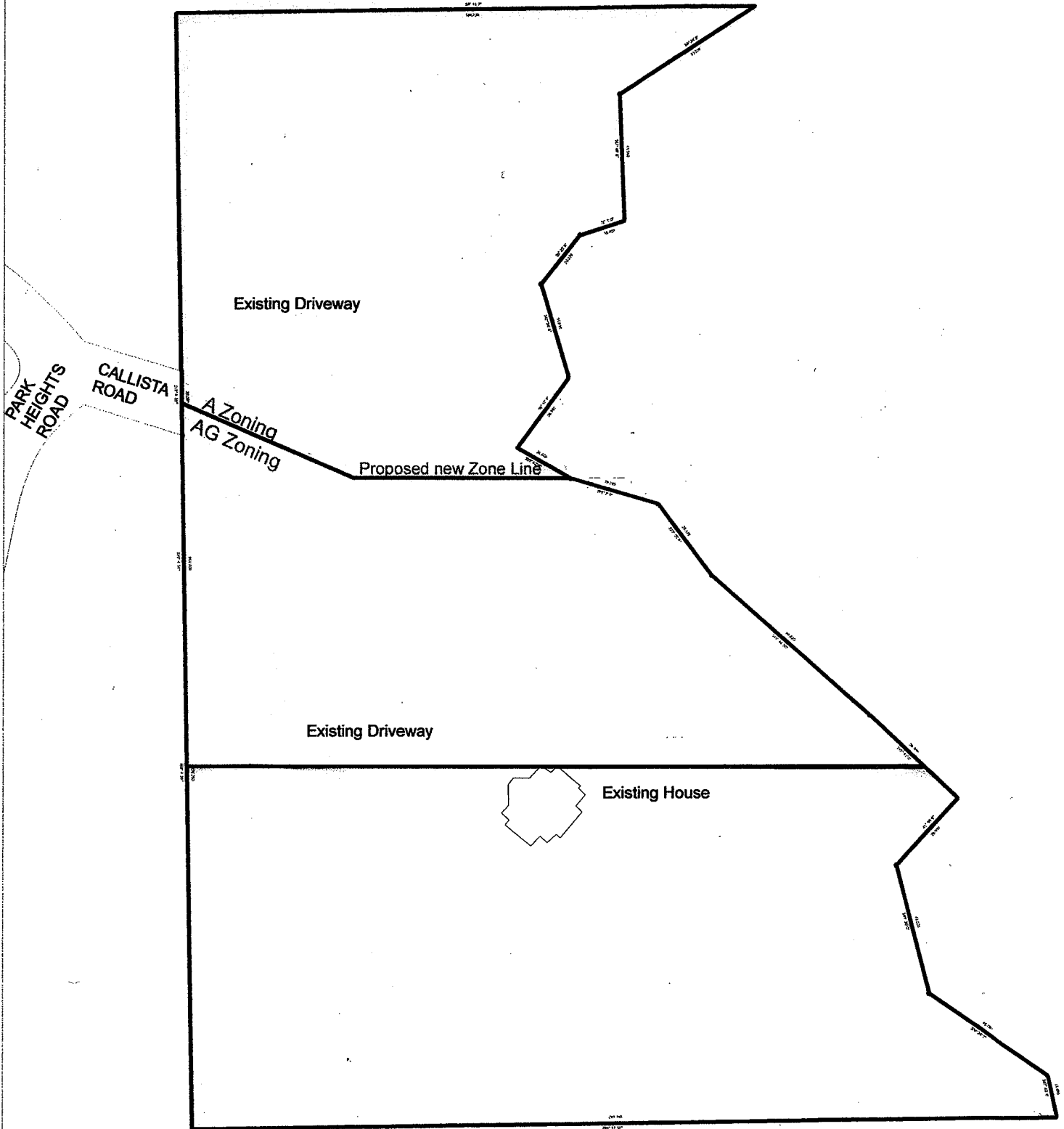
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a light blue horizontal line.

Erik Karlsen, Chair


cc: Capital Regional District – ALR-02-05
West Coast Design & Development, Box 568, Sooke, BC V0S 1N0

RW/lv/Encl.
36560d1

configuration of Zoning Lin



Provincial Agricultural Land Commission
Application: C-36560
Resolution #187/2006

-  ±2 ha approved for exclusion from ALR.
-  ±2.9 ha to be included into the ALR as condition of approval.

IT WAS

MOVED BY: Commissioner D. Craven

SECONDED BY: Commissioner D. Rugg

THAT the staff report be received and the application to exclude 2 ha of ALR land from the northern side of the property in order to provide a residence for a family member be approved subject to the submission and approval of a new application to include the southern 2.9 ha portion of the subject property into the ALR.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # C – 36560-0
Applicant: Rodney Wehrhahn

Agent: West Coast Design & Development

DATE PREPARED: April 5, 2006

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The subject property is 6.75 ha, of which 3.85 ha is within the ALR and 2.90 ha is outside the ALR. The 3.85 ha portion of the property within the ALR is on the northern 2/3 of the property. The proposed application is twofold:
1) To exclude approximately 2 ha of ALR land from the northern side of the property in order to provide a residence for the owner's daughter.
2) To include into the ALR the southern 2.90 ha portion of the property that would result in a total of 4.74 ha within the ALR.

The applicants state that the result would increase the amount of land designated ALR, and would also be a more agriculturally productive area of the property.

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

BACKGROUND INFORMATION:

There has been one significant previous application involving the subject property, #C-31121 (outlined below under previous applications). This application allowed the creation of the subject property in addition to three other lots.

Local Government:

Capital Regional District

Legal Description of Property:

1. PID: 024-994-928
Lot 1, Section 88, Sooke District, Plan VIP72026

Purchase Date (m/d/y):

09/25/2003

Location of Property:

5781 Callista Road, Sooke

Size of Property:

6.8 ha

ALR Area:

3.85 ha

Present use of the Property:

Residential use

Surrounding Land Uses:

WEST: Rural residential
SOUTH: Rural residential
EAST: Agricultural use
NORTH: Rural residential use

Agricultural Capability:

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

Official Community Plan and Designation:

The East Sooke OCP was adopted March 8, 2006 and designates this property as ALR and the non-ALR portion as Settlement Area.

Zoning Bylaw and Designation:

The ALR land is designated Agriculture (Ag) and the non-ALR land is designated Rural (A)
the minimum lot size is 4 ha.

PREVIOUS APPLICATIONS:

Application #31121-0

Applicant: Hill, Robert
Decision Date: February 27, 1997
Proposal: To subdivide two adjoining lots (6 ha and 26 ha) into four parcels. The sizes of the proposed lots are; 6.8 ha, 12 ha, 7.3 ha and 6.6 ha.
Decision: The Commission allowed the four lot subdivision on the grounds that the proposal was akin to a boundary adjustment and subdivision along the ALR boundary. The largest 12 ha lot encompasses the area that has historically been used for farm purposes.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The District Board endorses the application in principle, subject to receipt of technical findings on appropriate soil quality for the pieces of land being exchanged.

Local Government Staff

There are a number of procedural complications beyond consideration of the reconfiguration of the ALR boundary:

Zoning

The attached proposal desires to reconfigure the ALR boundary and the zoning boundary to be in line with the entrance of Callisto road onto the property, and to exclude the current ALR land and rezone this portion to Rural. However, this portion could remain zoned Agriculture –AG to ensure that only one dwelling is placed on the property. The southern half would be included within the ALR and should be rezoned to Agriculture.

Official Community Plan (OCP)

The proposed OCP for this area coincides with current ALR boundaries, consequently the northern portion of the lot is designated "ALR" and the southern portion is designated as "Settlement Area". An OCP amendment would be required to correctly match the Agricultural designation with the reconfigured ALR boundary.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- As a portion of this application involves the inclusion of 2.9 ha into the ALR a new application for this purpose is required.
- The agricultural capability map which shows a portion of the property as being Class 2D, is done to a scale of 1:50,000 and involves only a portion of the property. A more indepth soil assessment of the property is required to better determine the benefits of this proposal.
- The OCP for this area coincides with the current ALR boundaries, so any changes would require an amendment to the reconfigured ALR boundary.

END OF REPORT



Signature

Date 11 April 2006