



Agricultural Land Commission
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September 28, 2007

Reply to the attention of Terra Kaethler
ALC File: #C - 37504

Erich Schmid
1998 Caldwell Road
Sooke, BC V0S 1N0

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 447/2007 outlining the Commission's decision as it relates to the above noted application.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title EL100050.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

cc: The District of Sooke (ALREX2006-1313)

Enclosure: Minutes/Sketch Plan

TK/lv
37504d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 30, 2007 at the offices of the Ministry of Agriculture and Lands, Victoria, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application:	# C- 37504
Applicant:	Erich Schmid
Proposal:	To exclude the 0.4 ha subject property to allow for rezoning to a multi-family zone in order to develop townhouses on the site.
Legal:	PID: 003-196-984 Lot 1, Section 3, Sooke District, Plan 22913
Location:	1998 Caldwell Road, Sooke

Site Inspection

A site inspection was conducted on August 30, 2007. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Erich Schmid Applicant

The Commissioners noted that the subject property was in close proximity to several other parcels in the central part of Sooke that the Commission had previously excluded.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that they have previously been supportive of exclusions in this area, as the land in this immediate area is of poor soil capability, is within proximity to the town core and the OCP envisages development in the area. The Commission also considered that the small size of the property limits the agricultural capability of the property. On these grounds, the Commission does not believe the proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

Conclusions

That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Craven

THAT the application be approved.

CARRIED

Resolution # 447/2007



Staff Report
Application # C – 37504
Applicant: Erich Schmid

DATE RECEIVED: May 28, 2007

DATE PREPARED: August 14, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude the 0.4 ha subject property to allow for rezoning to a multi-family zone in order to develop townhouses on the site.

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

BACKGROUND INFORMATION:

Local Government:

The District of Sooke

Legal Description of Property:

PID: 003-196-984
Lot 1, Section 3, Sooke District, Plan 22913

Purchase Date:

1997-09-01

Location of Property:

1998 Caldwell Road, Sooke

Size of Property:

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

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Rural
SOUTH: Residential and Rural

EAST: Residential
NORTH: Residential and Rural

Agricultural Capability:

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

Official Community Plan and Designation:

Sooke OCP (2001)
Designation: Agricultural

Zoning Bylaw and Designation:

Sooke Zoning Bylaw No. 270
Designation: RU-3 Agricultural
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

N/A

RELEVANT APPLICATIONS:

Application #26804-0 (To Southwest)

Applicant: MANNIX, K., & SINON, R.
Decision Date: October 9, 1992
Proposal: To exclude the 1.6 ha property
Decision: Refused on the grounds of high agricultural capability and impact to surrounding lands

Application #31920-0 (Adjacent to North)

Applicant: Kellner, Erich & Jean
Decision Date: May 27, 1998
Proposal: To adjust the present boundary between Lots 1 and 2 to create a 0.2 ha lot containing the cottage and garage and a remainder lot, having an area of 3.83 ha, which would contain the main residence, the two barns and the shed.
Decision: Approved as the proposal will result in most of the agricultural land being contained within one parcel instead of divided between two.

Application #34193-0 (To North)

Applicant: Scott, David & Muriel
Decision Date: June 25, 2002
Proposal: To exclude the 2.02 ha property from the ALR.
Decision: THAT the staff report be received and the application to remove 2.02 ha from the ALR be approved as recommended.

Application #34194-0 (To North)

Applicant: Lovbakke, Troy & Noreen
Decision Date: June 25, 2002
Proposal: To exclude the 2.02 ha property from the ALR.
Decision: THAT the staff report be received and the application to remove 2.02 ha from the ALR be approved as recommended.

Application #34195-0 0 (Adjacent to East)

Applicant: Jenkins, Elizabeth

Decision Date: June 18, 2002

Proposal: To exclude the 2.1 ha property from the ALR.

Decision: THAT the staff report be received and the application to remove 2.1 ha from the ALR be approved as recommended.

Application #34904-0 (To North)

Applicant: Nicholson, Timothy & Kimberley

Decision Date: July 16, 2003

Proposal: Timothy and Kimberley Nicholson, through their agent Marjorie Melville, are requesting exclusion of this 0.8 ha property from the ALR in order to facilitate its development as multi family residential housing.

Decision: Approved having regard to similar decisions nearby in the context of the new OCP that envisages development in this area

Application #36217-0 (To North)

Applicant: Wilson, James & Denise

Decision Date: September 29, 2005

Proposal: To exclude the 2 ha subject property from the ALR for future development.

Decision: Allow as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council for the District of Sooke:

Forwarded the application with a recommendation of support.

Local Government Staff:

No objection to the application for exclusion, on the grounds that the area contains various residential developments, there is no current agricultural activity, and the lot size is 0.4 ha.

ATTACHMENTS:

- ALC Context Map 1:20,000
- ALC Context Map 1:50,000
- ALC Aerial Photo
- Aerial Photo (CRD)
- District of Sooke report to Council (May 2, 2007)

END OF REPORT



Signature



Date

Provincial Agricultural Land Commission

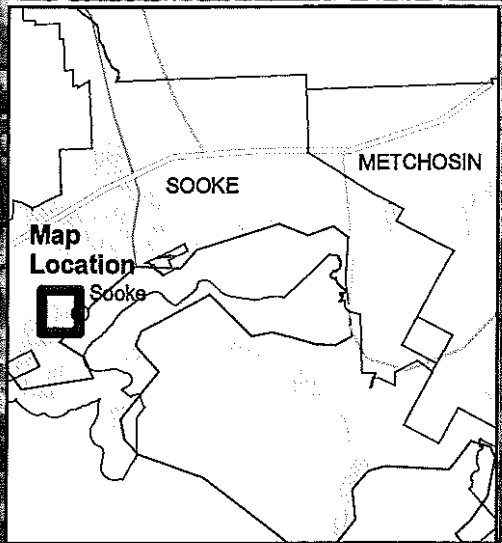
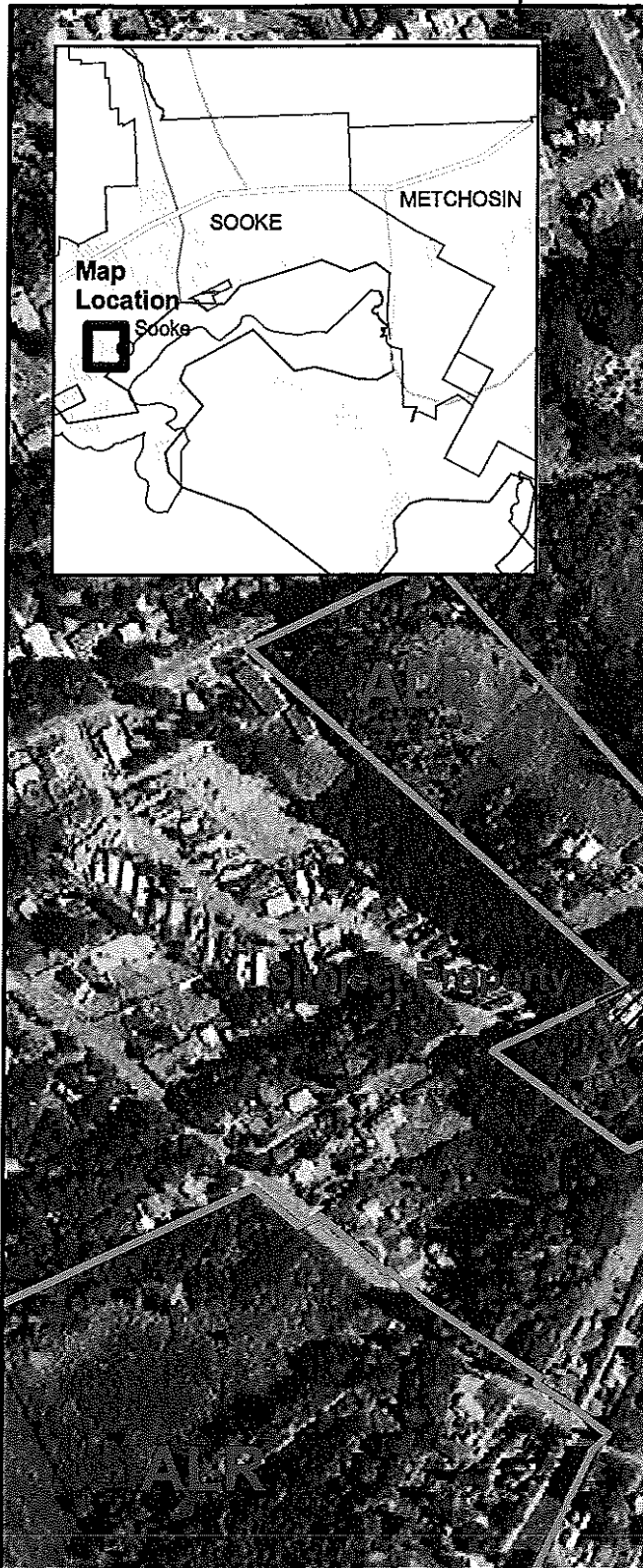
Application # 3750

Resolution #447/2007



Approved exclusion of 0.4 ha property

123°44'0"W

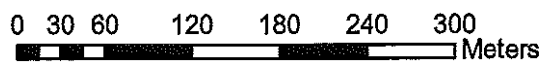


123°44'0"W



Airphoto Map

Map Scale: 1:5,000



ALC File #: 02-07-37504

Mapsheet #: 92B.032

Map Produced: Jul 9, 2007

Regional District: Capital