



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

October 21, 2010

Reply to the attention of Gordon Bednard  
ALC File: #51801

District of Sooke  
2205 Otter Point Road  
Sooke, BC V9Z 1J2

Dear Sir/Madam:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2678/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan. It will also confirm for the Registrar the area excluded from the ALR.

At that time, any covenants or other documents required to be registered will also be authorized.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: BC Assessment, Victoria

GB/lv/51801d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 30, 2010 at Port Alberni, BC.

<b>PRESENT:</b>	Richard Bullock	Chair
	Jennifer Dyson	Vice Chair
	Niels Holbek	Commissioner
	Mike Bose	Commissioner
	Gordon Bednard	Staff

### For Consideration

Application: #51801  
 Applicant: Sun river Estates ltd  
 Agent: District of Sooke  
 Proposal: Exclusion of 6 ha from a 10.4 ha parcel in the ALR, for school site.  
 Legal: Lot A, Sections 28, 29 and 32, Sooke District Plan VIP75447  
 Location: Phillips Road, Sun River Estates, Sooke

### Site Inspection

A site inspection was conducted on July 29, 2010. Those in attendance were:

Richard Bullock	Chair
Jennifer Dyson	Vice Chair
Niels Holbek	Commissioner
Mike Bose	Commissioner
Gordon Bednard	Staff
Al Fontes	District Engineer
Gerald Christie	Director of Planning
Katherine Lesyshen	Planner

The Commission toured the proposed exclusion site and discussed the reasons behind the application with the representatives of the District of Sooke.

### Exclusion Meeting

An exclusion meeting was conducted on July 29, 2010 at Sooke Municipal Hall. Those in attendance were:

Richard Bullock	Chair
Jennifer Dyson	Vice Chair
Niels Holbek	Commissioner
Mike Bose	Commissioner
Gordon Bednard	Staff
Al Fontes	District Engineer
Gerald Christie	Director of Planning
Katherine Lesyshen	Planner

## **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**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclasses

X cumulative and minor adverse

While the CLI ratings classify the application area as prime (class 2 mainly), this area had been the site of an un-authorized construction overburden fill area and was under order to be rehabilitated to an agricultural standard. This has been accomplished on the western 1/3 of the property. The area under application is the approximately 2/3 of the property (to the east) which remains as an un-rehabilitated fill site.

### **Assessment of Community Need**

The representatives from the District emphasized the need for the school site, and the difficulties with safety and access presented by the present site.

### **Assessment of Other Factors**

The District has offered (and made separate application for) the inclusion of a 7.6 ha property with similar agricultural capability to compensate for the proposed exclusion.

## **Conclusions**

That given the proposed inclusion, the proposal will not negatively impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Niels Holbek

**SECONDED BY:** Commissioner Mike Bose

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application;
- the subdivision and all other conditions of this decision must be completed within three (3) years from the date of this decision;
- the preparation of a buffering plan to be submitted to the Commission for approval, to protect the remaining ALR land for agricultural use – buffering to be installed and maintained on lands outside the ALR, and the buffer area to be protected by covenant;
- the registration of a covenant for the purpose of ensuring the ALR lands 1) remaining adjacent to the excluded area, 2) the area to be included into the ALR, and 3) the ALR area adjacent to the Sooke River, are only used for agricultural purposes.
- Rezoning/OCP change from Park to Agriculture for the ALR lands along the Sooke River.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution # 2678/2010**