



Agricultural Land Commission
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October 21, 2010

Reply to the attention of Gordon Bednard
ALC File: #51802

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

Dear Sir/Madam:

Re: Application to Include land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2675/2010 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: BC Land Title & Survey, Victoria
BC Assessment, Victoria

GB/lv/51802d1



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.

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

For Consideration

Application: # 51802
Applicant: Sun River Estates Ltd
Agent: District of Sooke
Proposal: Inclusion of 7.6 ha (as compensation for proposed exclusion of school site in Sun River Estates)
Legal: Lot A, Section 32, Sooke District Plan VIP77727, Except parts in Plans VIP77763, VIP78743, VIP79134, VIP80394, VIP80698 and VIP87411
Location: No civic address, no road access

Site Inspection

No site inspection was conducted as the property has no road access. Maps, Airphotos and a report from a professional agrologist were reviewed.

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 a mixture of:

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

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Based on the professional agrologist report, the bench areas can be improved to Class 2 and the sloping areas are un-improvable Class 7. See report in file #51802.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. While this land is presently without access, it is contiguous to areas either being farmed, or with the potential for farm activity.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Addition of 7.6 ha of land, of which a portion can be farmed, is considered a positive impact on the existing or potential agricultural use of surrounding lands.

Assessment of Community Need

The District of Sooke explained to the Commission that the present site for the school in Sun River Estates was unsuitable and the alternate site proposed for exclusion would be better from a planning and land use perspective. This inclusion is presented as compensation for the loss of the new school site from the ALR.

Conclusions

1. That the land under application has agricultural capability and is worthy of designation as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will positively impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Niels Holbek

SECONDED BY: Commissioner Mike Bose

THAT the application be allowed as presented.

AND THAT the approval is subject to the following conditions:

- the registration of a covenant for the purpose of restricting the use of the land to agriculture
- all conditions of this decision must be completed within three (3) years from the date of this decision;

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 # 2675/2010