



**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

June 15, 2012

Reply to the attention of Liz Sutton  
ALC File: #52537

Edward Shaw  
7096 West Coast Road  
Sooke, BC V9Z 0S1

Dear Mr. Shaw:

**Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #189/2012 outlining the Commission's decision as it relates to the above noted application.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #189/2012

cc: District of Sooke

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Regarding the proposed inclusion Mr. Shaw indicated the properties are being farmed and are in an area which does not have the same residential pressures as the area where his properties are located. He also explained that the applicants of the inclusion application are eager to have their property included into the ALR to ensure that it is used for agricultural purposes in perpetuity.

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**COMMISSION CONSIDERATION:**

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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After reviewing the file information and considering the applicant's oral submissions the Commission has concluded as follows:

1. The *Land Capability Assessment* prepared by Madrone Environmental Services Ltd. (the "Madrone Report") found that the properties are comprised of land with unimproved agricultural capability ratings of Class 3 and 4. The Madrone Report also indicates that with deep subsoil ripping, subsoil drainage and irrigation the land could possibly be improved to Class 2 or Class 1 ratings but achieving the improved ratings may not be economically practical given the size of the land needing deep tillage, and considering that the soils are also subject to excess water and aridity limitations.

**Conclusion:** The properties have agricultural capability and should remain in the ALR.

2. That while the properties share an abrupt agricultural/urban interface along the south and northeast boundaries, a person wanting to use the land for agricultural purposes could take steps to mitigate the impacts cited by the applicant. The proximity of urban development to good agricultural land is not unique in this instance. There are many examples throughout the province where successful agricultural operations share urban boundaries or are in proximity to urban areas;

**Conclusion:** This is a farm management issue. A person wanting to use the land for agricultural purposes can take steps to mitigate impacts.

3. That with regard to the proposed inclusion of lands into the ALR. If the owners of the properties would like to have the Commission consider their proposal, the Commission will only do so on the basis of the agricultural merits of including the properties into the ALR in accordance with the *Agricultural Land Commission Act*, not on the basis of an exchange or offset to accommodate the proposed exclusion.

**Conclusion:** The Commission is not prepared to include the properties identified in Application #52702 into the ALR on the basis of an exchange or offset to accommodate the proposed exclusion.

4. That with regard to the five properties north located north of the subject properties, the Commission noted the District of Sooke adopted the current official community plan in 2010 and designated the subject area as a Technical Industrial Centre. The Commission opposed this designation when it commented on the draft official community plan and remains opposed to designation as adopted by the District in 2010.

**Conclusion:** The “Technical Industrial Centre” designation in the District’s official community plan for the properties located north of the subject properties is inconsistent with the Commission’s advice to the District and the Commission in no way supports the non-farm development of these properties and as such the Designation is not germane to the consideration of this application.

**IT WAS**

**MOVED BY:** Commissioner Gillette

**SECONDED BY:** Commissioner Miles

THAT the application be refused.

**CARRIED**

**Resolution # 189/2012**



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June 15, 2012

Reply to the attention of Liz Sutton  
ALC File: #52702

Donald, Clara & Valerie Clouston  
2322 Kemp Lake Road  
Sooke, BC V9Z 0R2

**Re: Application to Include Land into the Agricultural Land Reserve (ALR)**

This is to inform you that the application from Mr. Edward Shaw to exclude land from the ALR was refused by Resolution #189/2012, dated May 14, 2012. A copy of the decision is attached and we draw your attention to Conclusion 3:

*That with regard to the proposed inclusion of lands into the ALR. If the owners of the properties would like to have the Commission consider their proposal, the Commission will only do so on the basis of the agricultural merits of including the properties into the ALR in accordance with the Agricultural Land Commission Act, not on the basis of an exchange or offset to accommodate the proposed exclusion.*

**Conclusion:** *The Commission is not prepared to include the properties identified in Application #52702 into the ALR on the basis of an exchange or offset to accommodate the proposed exclusion.*

Based on the above, the Commission wishes to know if you are still interested in proceeding with the inclusion application. The application will be held in abeyance until the Commission receives your direction.

Thank you in advance.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Brian Underhill, Executive Director

Enclosure: Minutes of Resolution 189/2012

cc: Capital Regional District (ALR 01-12)

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