



Staff Report
Application # J – 36533-0
Applicant: Hylton McAlister

DATE PREPARED: April 11, 2006

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The applicants are proposing two options for subdivision;

Option 1:

To subdivide off an existing cabin and surrounding garden, of approximately 0.2 ha.

Option 2:

To subdivide off the newer home and surrounding garden, of approximately 0.8 ha.

In exchange for either of the above options, the applicant is prepared to:

- donate the 23 acres (9.3 ha) of wetland to a non-profit stewardship group
- secure the 11 acres (4.5 ha) of forested lands via a restrictive covenant prohibiting clearcutting

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There has been one previous application on this property made by the current owners in 1994, outlined below. The application was to exclude a portion of the property from the ALR which was refused. Upon reconsideration, the request was to construct a second permanent dwelling which also refused.

The property has farm status via the hay harvest. The uncut timber on the property is valued at approximately \$200,000.00. The wetlands bordering Somenos Lake remain in their natural state. Of the two homes on the property, the small log cabin is some 60 years old and currently rented while the newer home was constructed 10 years ago and is home to the applicants.

Local Government:

The Corporation of the District of North Cowichan

Legal Description of Property:

1. PID: 001-905-589

Location of Property:

6618 Westcott Road, Duncan

Size of Property:

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

Present use of the Property:

Of the 21.9 ha property, in approximate areas, 6.8 ha are planted in hay, 9.3 ha are flooded wetlands, 4.5 ha are second growth forest and the remaining 1.2 ha are cultivated gardens surrounding the two houses. There is also a small barn and small outbuildings for hay storage on the property.

Surrounding Land Uses:

WEST: Rural residential
SOUTH: Marsh lands
EAST: Rural residential
NORTH: Hobby farms

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.082
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

The OCP designates the property as Agriculture.

Zoning Bylaw and Designation:

(A1) Agriculture Zone, 12 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #28878-0

Applicant: MCALISTER, H. & KNIGHT, D.
Decision Date: August 08, 1994
Proposal: To exclude 14.4 ha from the ALR and to divide the 7.2 ha remainder into three lots of equal size.
Decision: The Commission refused the request for exclusion and subdivision on the grounds of reduced agricultural capability and options.

Application #28878-1

Applicant: MCALISTER, H. & KNIGHT, D.
Decision Date: November 18, 1994
Proposal: Construct two (2) dwellings on the property for the two co-owners.
Decision: The Commission refused the request for the second permanent dwelling on the grounds that there was not sufficient agricultural activity occurring on the property to justify an additional dwelling for farm help.

Application #28878-2**Applicant:** MCALISTER, H. & KNIGHT, D.**Decision Date:** March 27, 1995**Proposal:** Construct two (2) dwellings on the property for the two co-owners.**Decision:** The Commission reconfirmed its previous decision as per resolution #1089/94 and refused the request for a second permanent dwelling on the grounds that the level of agricultural activity carried out on the property did not warrant an additional dwelling.**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:****Council**

That Council advise the ALC that it has no objection to the proposed subdivision provided that:

- A covenant being registered on both parcels restricting them to one single family residence and acknowledging that the area has an agricultural value and purpose.
- The maximum area being included in the large parcel, (i.e., supports Option 1).
- The covenant on the forest area not preclude future agricultural use if deemed appropriate.

and further , that Council is prepared to consider amending its OCP to enable the project to proceed on the basis of its net environmental benefit.

Agricultural Advisory Committee

The AAC advise the Technical Planning Committee that it has no objection to the proposed application subject to:

- A covenant being registered on both parcels restricting them to one single family residence and acknowledging that the area has an agricultural value and purpose.
- The maximum area being included in the large parcel, (i.e., supports Option 1).
- The covenant on the forest area not preclude future agricultural use if deemed appropriate.

OTHER COMMENTS:

Somenos Management Committee give support for the application, subject to no residences being permitted.

STAFF COMMENTS:

Staff provided the following comment:

- The subject property is part of a block of ALR land with significant portions that could be improved to Class 3 with wetness and topography limitations. It is apparent from the agricultural capability ratings that approximately a third of the property is marshland with a rating of Class 7, limited by excess water.
- This proposal offers nothing to agriculture, instead it is offering the donation and protection of wetlands and the restriction on use for the adjoining forested areas.

END OF REPORT
Signature

Date

11 April 2006