



 **Agricultural Land Commission**
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April 5, 2007

Reply to the attention of Terra Kaethler
ALC File: #J - 37126

George Shephard
13201 Code Road
Ladysmith, BC V9G 1H7

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 100/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#2-H-06ALR)

Enclosure: Minutes/Sketch Plan

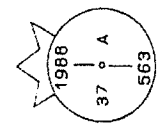
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Provincial Agricultural Land Commission
 Application # J-36126
 Resolution #99/2007

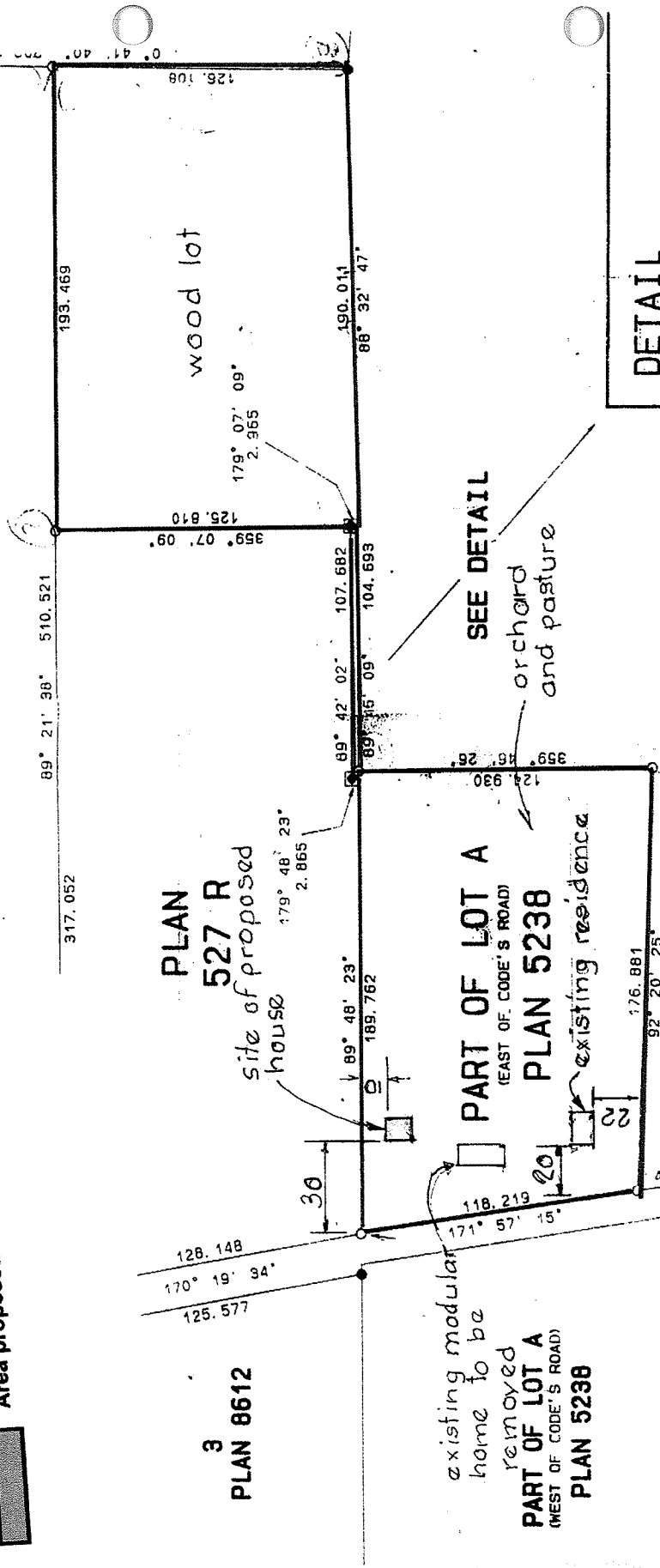


Subject property
 Area proposed for second dwelling

PLAN 693R



D.L. 97
 76.844
 49.264



DETAIL
 NOT TO SCALE

scale: 1:1

179° 48' 23"
 2.865

PLAN 527 R 3
 D.L. 97
 0.005 x 0.04
 FLAT BAR

all surrounding properties
 use is rural residential

2
 PLAN 2714

1
 PLAN 31315
 B
 PLAN 14932

3
 PLAN 8612

Discussion

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that although there is considerable agricultural activity on the property, the soil conditions where the second dwelling would be located has limited agricultural capability. Therefore the Commission did not consider that the proposal would impact existing or potential agricultural use of the property or surrounding lands.

The Commission also recognized that the applicant appears to be eligible to make an application for a subdivision under the *Homesite Severance Policy*. The applicant was informed that he may be eligible, but was not interested in subdividing the property. The Commission considered the staff recommendation that the second dwelling be approved in lieu of a homesite severance subdivision.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be approved subject to the removal of the existing mobile home within 6 months after occupancy of the second dwelling.

AND THAT the applicant be informed that the Commission may consider this application as having fulfilled the objectives of the *Homesite Severance Policy* and may deny any further consideration under the *Homesite Severance Policy*.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 100/2007



Staff Report
Application # J – 37126
Applicant: George Shephard
Location: Ladysmith

DATE RECEIVED: December 13, 2006

DATE PREPARED: February 28, 2007

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To construct a second single-family residential dwelling on an unfarmed portion of the 4.8 ha subject property for the applicant's son.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There is currently one single-family dwelling and a mobile home. The mobile home will be removed if the second single-family dwelling is constructed. The proposed new dwelling will be accessed from Code Rode by way of the existing driveway and will be serviced by the existing septic system and well.

Although the applicant is eligible for a homesite severance under the *Homesite Severance Policy*, he does not wish to subdivide the property as he believes that it would have a negative impact on agriculture.

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 005-957-851

That part of Lot A, District Lot 37 and 53, Oyster District, Plan 5238, lying to the East of the East Boundary of Code's Road as said Road is shown on said Plan

Purchase Date:

09/14/1968

Location of Property:

13201 Code Road, Ladysmith

Size of Property:

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

Present use of the Property:

Residence, farm buildings, chicken, sheep, pasture and a small apple orchard

Surrounding Land Uses:

WEST: Rural Residential
SOUTH: Rural Residential
EAST: Forested
NORTH: Rural Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.001
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP designation: Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 1020
Designation: A-1 Primary Agricultural
Minimum Lot Size: 12 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional District Board: Forwarded the application with a recommendation of support, and that a covenant be placed on the property to guarantee the removal of the existing mobile home.

Area 'H' Advisory Planning Commission: Recommend approval providing that a covenant be placed on the property to guarantee the removal of the mobile home.

STAFF COMMENTS:

Staff recommends that the application be approved in lieu of a homesite severance subdivision subject to the removal of the mobile home.

ATTACHMENTS:

- ALR Context Map (1:10,000)
- Air photo (1:5,000)

END OF REPORT



Signature

Feb 28, 07

Date