



Agricultural Land Commission
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April 5, 2007

Reply to the attention of Terra Kaethler
ALC File: # J - 37163

Stephen Davies and Karen Chong
1225 Royalta Road
Mill Bay , B.C. V0R 2P2

Dear Sir/Madam:

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

The Commission wishes to thank you for taking the time to meet with its representatives on March 14, 2007. The Commission found the meeting and site visit informative.

Please find attached the Minutes of Resolution # 98/2007 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 (#1-A-06-ALR)

Enclosure: Minutes/Sketch Plan

TK/iv
37163d1.

Discussion

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The proposed addition to the cottage is minimal and in close proximity to other farm buildings. Although areas of the property have been identified as having prime agricultural ratings, the area under application is rated as having an agricultural capability of Class 5. As well, the area under application has been paved. Therefore, the Commission determined that the proposal would not impact existing or potential agricultural use of the subject property or surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Craven
SECONDED BY: Commissioner Rugg

THAT the application be approved subject to the addition being no more than approximately 300 square feet and being located in the area identified on the attached plan

Approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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

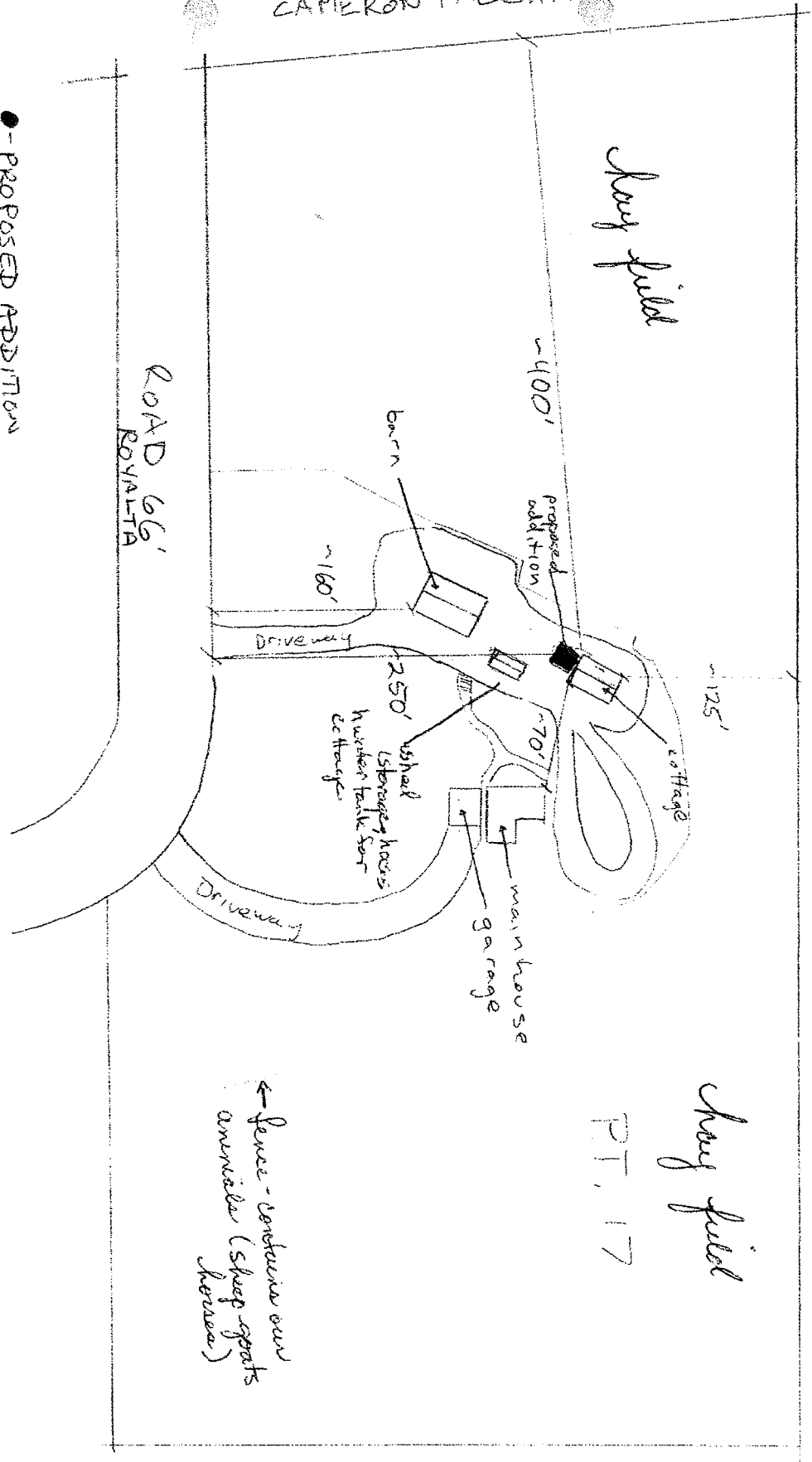
Resolution # 98/2007

LOT 17, SECTION 3, RANGE 7, SHAWANISHAN DISTRICT, PLAN 25764 PID 002-673-967

N

"A"

CAMERON TALLGART ROAD



- - PROPOSED ADDITION
- ASPHALT

Provincial Agricultural Land Commission
 Application # J-37163
 Resolution #98/2007



Area approved for non-farm use

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**Staff Report
Application # J – 37163
Applicant: Karen Chong**

DATE RECEIVED: January 11, 2007

DATE PREPARED: March 2, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Non-farm use to construct a 300 square foot addition to an existing, legal non-conforming, second single-family dwelling on the subject property, to provide residence for family.

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

BACKGROUND INFORMATION:

According to the CVRD records and legal affidavits that have been provided by the applicant, both residences were built prior to the property's inclusion into the ALR.

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 002-673-967

Lot 17, Section 3, Range 7, Shawnigan District, Plan 25764, EXCEPT That part in Plan 27316

Purchase Date:

09/01/2002

Location of Property:

1225 Royalta Road, Mill Bay

Size of Property:

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

BACKGROUND INFORMATION (CONT.):

Present use of the Property:

Agricultural/Residential – 2 residences, garage, shed, barn, hay fields, farm animals

Surrounding Land Uses:

WEST: Cameron-Taggart Road, Thistledown Nursery
SOUTH: Hayfields, Residential
EAST: Millshaw farms, hay fields
NORTH: Dairy farm, hay fields

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.063
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Mill Bay/ Malahat OCP, Bylaw No. 1819
Designation: Agricultural

Zoning Bylaw and Designation:

Zoning: Area "A" Bylaw No. 2000
Designation: A-1 (Primary Agriculture)
Minimum Lot Size: 12 ha

PREVIOUS APPLICATIONS:

Application #75-0745-0

Applicant: Ayde, Edward & Jean
Decision Date: August 21, 1975
Proposal: To subdivide the subject parcel into 2 lots of 6.1 ha and 3.5 ha
Decision: Refused on the grounds that further subdivision in this area would have a negative impact on agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional District Board: The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Commission: Support the application and recommend approval.

Local Planning Staff: Support the application and recommend approval. If approval is granted from the ALC, further approval will be necessary from the Board of Variance according to Section 911(5) of the *Local Government Act*.

STAFF COMMENTS:

Staff recommend that the Commission consider the following:

- The second residence was built before the ALR was in place, and is a legal, non-conforming use.
- The proposed addition to the cottage would be built on what is currently asphalt and is in an area of the property which is designated as Class 5 land.
- The cottage will be occupied by the applicant's son and family, who assist with the farm.

ATTACHMENTS:

- **ALC Context Map**
- **ALC Airphoto Map**
- **ALC Agricultural Capability Map**
- **Sketch of Proposal**

END OF REPORT



Signature

3/5/08

Date