



Agricultural Land Commission
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April 18, 2007

Reply to the attention of Terra Kaethler
ALC File: #J - 37242

Todd Humen
823 Canada Avenue
Duncan, BC V9L 1V2

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 111/2007 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:

Erik Kalsen, Chair

cc: The Corporation of the District of North Cowichan (#3025-20-06-06)
Thore and Valerie Thorsen, 8896 Chemainus Road, Chemainus, BC V0R 1K5

Enclosure: Minutes

TK/lv
37242d1

Discussion

The Commission discussed that the proposed subdivision was in a treed area with decreased agricultural capability. However, the Commission discussed that the creation of two smaller lots in this area would have a negative effect on the potential for agricultural uses on the property.

The Commission determined that there was not a significant amount of agricultural activity on the property to consider the subdivision as an intergenerational transfer for agricultural purposes. The Commission considered the family situation behind the application, and while appreciative of their needs and intentions, cannot consider estate settlement as a significant reason to divide agricultural land.

The Commission also noted that the application was not supported by the local government or the Agricultural Advisory Committee.

Conclusions

1. That the land under application is suitable for agricultural use.
2. That the proposal will impact agriculture.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Craven

THAT the application be refused as proposed.

CARRIED

Resolution # 111/2007



Staff Report
Application # J – 37242
Applicant: Thore and Valerie Thorsen
Agent: Todd Humen

DATE RECEIVED: February 14, 2007

DATE PREPARED: March 2, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide a 2.3 ha into two (2) lots, one at 0.8 ha and one at 1.5 ha, to create a lot for the applicant's daughter.

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

BACKGROUND INFORMATION:

Local Government:

The Corporation of the District of North Cowichan

Legal Description of Property:

PID: 003-435-911

Lot 1, Section 9, Range 7, Chemainus District, Plan 21622, EXCEPT Parts in Plans 24444 and 32159

Purchase Date:

09/01/1980

Location of Property:

8896 Chemainus Road, Chemainus

Size of Property:

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

Present use of the Property:

Residential, mobile home, alpaca/hay storage shed, woodshed

Surrounding Land Uses:

North: Residential
South: Hobby farm
East: Residential
West: Chemainus Rd, Residential

Agricultural Capability:

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

Official Community Plan and Designation:

OCP: Bylaw No. 3282

Zoning Bylaw and Designation:

Zoning: Bylaw No. 3284
Designation: Rural Restricted Zone (A3)
Minimum Lot Size: 0.8 ha

PREVIOUS APPLICATIONS:

Application #00542-0

Applicant: Frehlick, R. & L.
Decision Date: October 05, 1976
Proposal: To exclude the subject property
Decision: Refused as proposed, but allowed the subdivision of three 0.4 ha lots along Chemainus Rd.

Application #24785-0

Applicant: Thorsen, Thore & Meredith
Decision Date: March 6, 1991
Proposal: To subdivide one 0.5 ha lot from the subject property. The purpose of the proposal was to remove the existing dwelling from the property to enable construction of a smaller house on the remainder, more suited to their needs.
Decision: Refused on the grounds that proposed lot would be too small for agriculture uses and increase the amount of residences in the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council for the Municipality of North Cowichan: Does not recommend for support on the grounds that it would contribute to increased parcelization of the ALR.

Agricultural Advisory Committee: Does not support as it will further parcelize rural properties thereby limiting their use for agriculture.

Local Government Staff: Forwarded without support. The Madrone report has shown the soils to be marginal, however the OCP and Agricultural Plan do not support subdivision in parcelization in agricultural areas.

STAFF COMMENTS:

- The proposed area for subdivision is unclear. A site visit will help to determine the impact the subdivision may have on agriculture.
- The applicants supplied an agrologist report which acknowledges that the soil capability is somewhat limited, but that 85 % of the property can be improved to the level of Class 2 and Class 3. The ALC Capability Ratings show the majority of the property is improvable to Class 2, with the remainder improvable to Class 3.

ATTACHMENTS:

- Addendum by Applicant
- Municipality of North Cowichan Planning Report
- Madrone Land Capability Assessment Report
- Airphoto Map
- ALC Context Map
- Ag Cap Map
- Sketch of proposed subdivision

END OF REPORT



Signature

3/5/07

Date