



Agricultural Land Commission
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May 16, 2007

Reply to the attention of Terra Kaethler
ALC File: J-37243

Richard Wright
Focus Corporation Ltd
552 Trunk Road
Duncan, BC V9L2R1

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 212/2007 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:

A handwritten signature in black ink, appearing to read 'KB Ummy', is written over the printed name Erik Karlsen.

Erik Karlsen, Chair

cc: The Corporation of the District of North Cowichan (3025-20-06-05)
Cowichan Valley Regional District

Enclosure: Minutes

TK/eg/37243.d1.doc

Commission believed that the subdivision of this land would reduce the property's overall capability for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Although the Commission recognized that the subject property is adjacent to industrial activities, they did not consider this to render the subject property unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that introducing a residential lot in this area may impact existing or potential agricultural use of surrounding lands.

Other Factors

The Commission also considered the concerns of the local government and the Agriculture Advisory Committee. The local government did not support the application on the grounds that creating residential lots to the area is contrary to the goals of the Official Community Plan and that it would contribute to the increased parcelization of ALR land. The Agricultural Advisory Committee also did not support the proposal, stating main concerns to be the impact of residential uses on existing or potential agriculture activities in the surrounding area.

Conclusions

1. That the land under application has some agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal may impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused.

CARRIED

Resolution # 212/2007



Staff Report
Application # J – 37243
Applicant: Reinhold Gerz
Agent: Focus Corporation Ltd

DATE RECEIVED: February 14, 2007

DATE PREPARED: April 16, 2007

TO: Chair and Commissioners – Island Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide the 12.6 ha lot to create a 2.8 ha lot for applicant's son. 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: 006-746-764

Section 1, Range 2, Somenos District, EXCEPT Parts in Plans 109, BL 8869, 8992, 25443, and 2128 RW

Purchase Date:

May 1998

Location of Property:

3855 Sahtlam Road, Duncan

Size of Property:

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

Present use of the Property:

Trailer, garage and out buildings, raising a small herd of cattle

Surrounding Land Uses:

WEST: Agriculture
SOUTH: Agriculture
EAST: Agriculture
NORTH: Industrial

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.072
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

District of North Cowichan OCP Bylaw No. 3282

Zoning Bylaw and Designation:

District of North Cowichan Zoning Bylaw No. 3284
Designation: Rural Zone (A2)
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #21088-0

Applicant: Gerz, Reinhold
Decision Date: November 9, 1987
Proposal: Subdivision of the 12.3 ha subject property into 4 parcels.
Decision: Refused due to the Commission arguing that a reduction in the parcel's current size would only serve to reduce its overall agricultural potential. Also the Commission felt that an approval may prompt similar requests in the area.

Application #23711

Applicant: Wright, Hillyard
Decision Date: n/a
Proposal: Exclusion.
Decision: Refused.

Application #24154-0

Applicant: Gerz, Reinhold
Decision Date: May 1, 1990
Proposal: Second dwelling for an individual who would assist in the gravel extraction operation.
Decision: Refused as the gravel pit was not considered to be a permanent activity.

Application #23585-0

Applicant: Gerz, Reinhold
Decision Date: June 5, 2002
Proposal: Request under the Soil Conservation Act to renew gravel extracting permit.
Decision: Allowed under the condition that the property be rehabilitated after the extraction is complete.

Application #35063-0

Applicant: Gerz, Reinhold
Decision Date: November 6 2003
Proposal: To extract gravel from the subject property.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

The Council of the Municipality of North Cowichan forwarded the application with a recommendation of non-support.

Agricultural Advisory Committee:

The AAC did not recommend support of the application. The Committee also raised the concern of rural parcelization, problems with meeting setbacks for farm buildings by introducing smaller lots and conflict between residential use and farm activities.

Local Government Staff:

The Official Community Plan and Agriculture Plan discourage subdivision of Agricultural Land Reserve land for a relative.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- Both the Municipality of North Cowichan Council and Agricultural Advisory Committee recommended that the application be forwarded without support.
- The property was purchased in May of 1998.
- In a meeting with Council, the agent indicated that the agricultural potential on the upper portion of the property would still be possible (i.e. horse riding ring).
- The applicant has employed a consultant to assess the land capability of the subject property. See attached summary and conclusions.
- A site visit will help to determine whether the subdivision will have an impact on the agricultural capability of the subject property.

ATTACHMENTS:

1. ALC Context Map
2. Aerial Photo Map
3. Agricultural Capability Map (according to Canada Land Inventory)
4. Local Government Staff Report (2 pages)
5. Schedule to Proposal, by applicant
6. Proposed Lot
7. Land Capability Ratings (by MADRONE Environmental Services Ltd.)
8. Summary, Limitations and Feasibility of Improvement Ratings, and Conclusions (by MADRONE Environmental Services Ltd.)

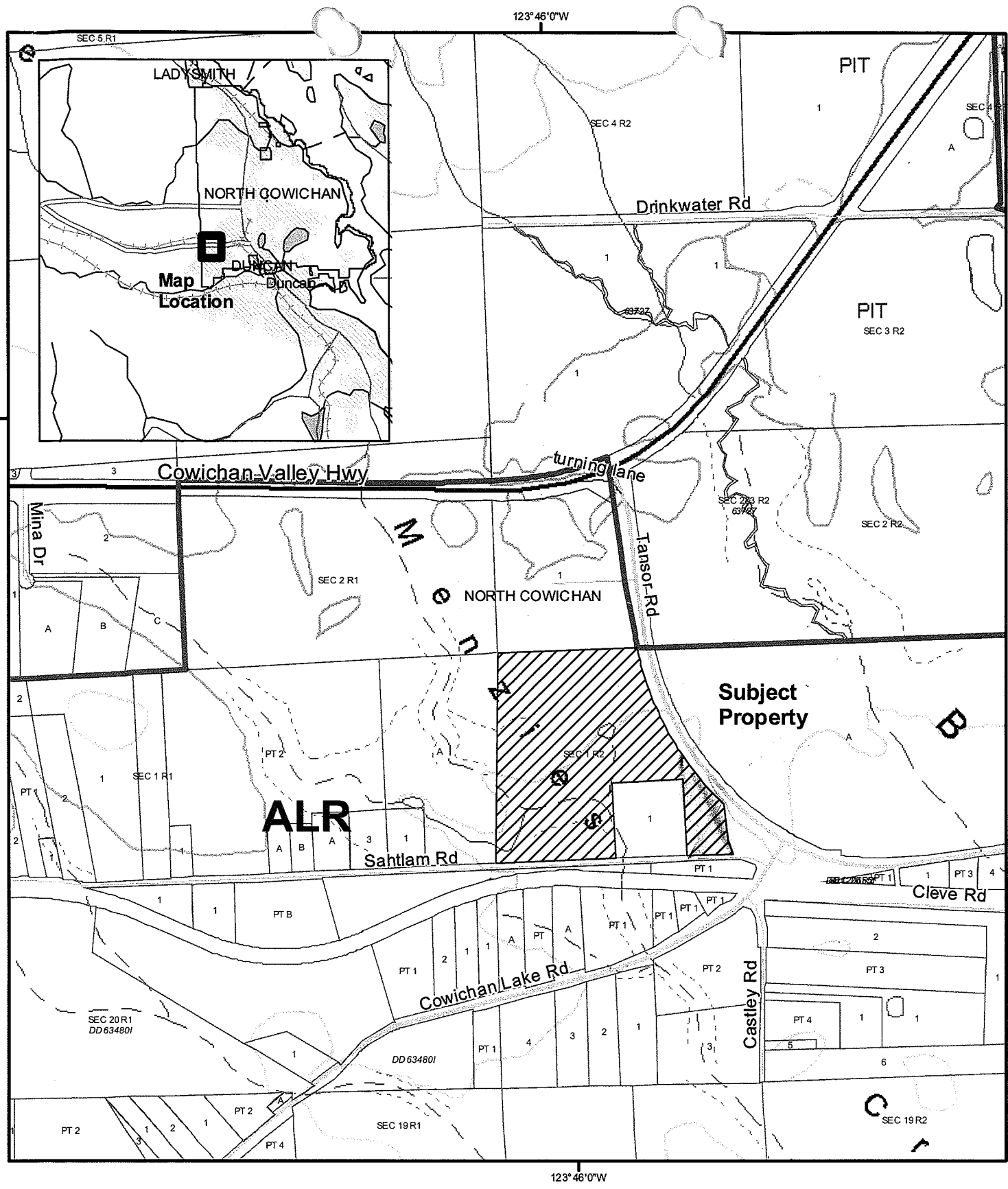
END OF REPORT



Signature

4/24/07

Date



Map Scale: 1:10,000



ALC File #: 21-07-37243

Mapsheet #: 92B.072

Map Produced: March 1, 2007

Regional District: Cowichan Valley