



Agricultural Land Commission
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May 24, 2007

Reply to the attention of Terra Kaethler
ALC File: #J - 37288

Robert Garrett
4B - 1840 Cedar Road
Nanaimo, BC V9X 1H9

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 207/2007 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.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read "Erik Karlsen". The signature is fluid and cursive, written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (4-H-06ALR)

Enclosure: Minutes/Sketch Plan

TK/lv
37288d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 26, 2007 in Comox, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 37288
Applicant: Toni Gatland
Agent: Robert Garrett
Proposal: To adjust the boundary between a 9.3 ha lot (out of the ALR) and a 35.5 ha lot (in the ALR) to create a 32.4 ha lot and a 12.4 ha lot. The original 9.3 ha lot would be included into the Agricultural Land Reserve (see application #J-37287).
Legal: PID: 023-036-800
Lot 1, District Lot 11, Oyster District, Plan VIP61094
Location: 13020 and 12850 Doole Road

Site Inspection

A site inspection was conducted on April 25, 2007. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Toni Gatland Applicant
- John Edwards Applicant for joint proposal #J-37287
- Robert Garrett Agent

The Commission met the agent and applicant on the property. After discussing the proposal on site, the Commission took Doole Road to view the parcel to be included, under joint application #J-37287. The Commission discussed with the applicants that the northern portion of Lot 1 is isolated from the rest of the property for approximately 8 months of the year due to flooding in the southern portion.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land.

The Commission considered that the boundary adjustment between the two lots would be a benefit to agriculture as the southern portion of the subject property would be come accessible to Lot 100 as opposed to being isolated for much of the year due as it is currently.

The Commission also understands that it is the intention of the applicants that the current use of the land remains the same. Therefore, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Further, the Commission appreciates the inclusion application for District Lot 100 and considered this to be a benefit to agriculture in the region.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Seitz

THAT the application be approved;

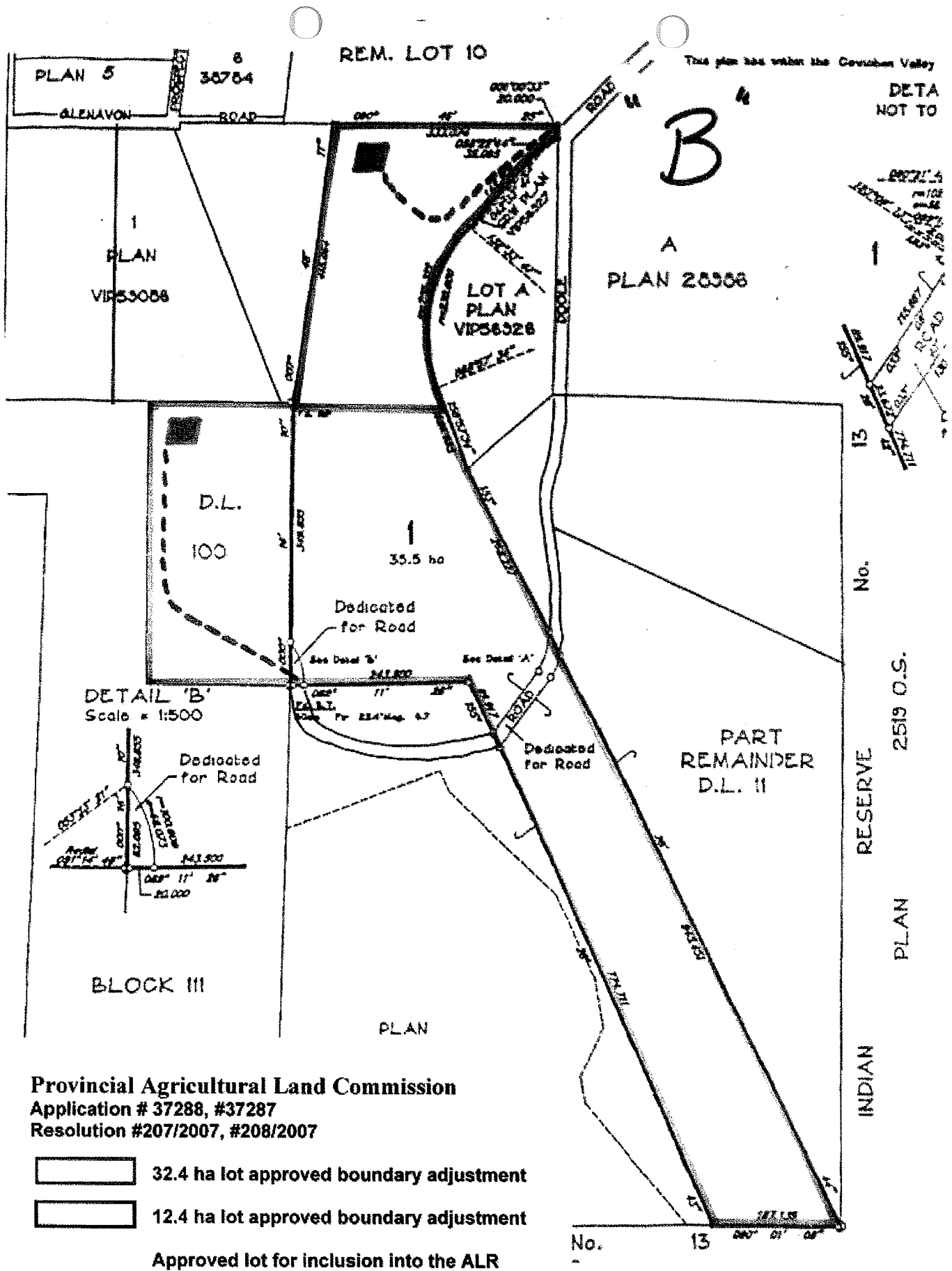
AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 207/2007





Staff Report
Application # J – 37288
Applicant: Toni Gatland
Agent: Robert Garrett
Location: Northeast of Ladysmith

DATE RECEIVED: March 12, 2007

DATE PREPARED: April 16, 2007

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To adjust the boundary between a 9.3 ha lot (out of the ALR) and a 35.5 ha lot (in the ALR) to create a 32.4 ha lot and a 12.4 ha lot. The original 9.3 ha lot would be included into the Agricultural Land Reserve (see application #J-37287).

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

BACKGROUND INFORMATION:

The applicant proposes that the new layout of the two lots would result in a viable farm on both properties as the southern most portion would now be accessible to Lot 100 as opposed to the land being isolated from the northern portion of Lot 1 as it currently is for approximately 8 months of the year.

It is noted that the proposed subdivision will not result in the loss of infrastructure for the larger farm unit. The shed on the proposed 12.4 ha lot will be taken down this summer as it is dilapidated. The loafing shed will remain on the proposed 32.4 ha lot.

Local Government:

Cowichan Valley Regional District

Legal Description of Properties:

1. PID: 023-036-800
Lot 1, District Lot 11, Oyster District, Plan VIP61094
2. PID: 000-750-808
Lot 100, Oyster District

Purchase Date:

Lot 1 - September 1994
DL 100 - December 2003

Location of Properties:

13020 and 12850 Doole Road

Size of Properties:

Lot 1 - 35.5 ha (The entire property is in the ALR).
DL 100 - 9.3 ha (The entire property is outside the ALR).

Present use of the Properties:

Residence, farm, loading shed, shop and barn

Surrounding Land Uses:

WEST: Hobby Farm
SOUTH: Indian Reserve
EAST: Farm
NORTH: Farm

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:

Electoral Area "H" OCP Bylaw No. 1497
Designation: Agriculture, Forestry

Zoning Bylaw and Designation:

Area "H", Zoning Bylaw No. 1020
Designation: A-1, F-1
Minimum Lot Size: 12 ha (A-1), 20 ha (F-1)

PREVIOUS APPLICATIONS:

Application #27915-0

Applicant: Robert Gourley
Decision Date: April 6, 1993
Proposal: To subdivide a 6 ha lot lying outside the ALR leaving a remainder of 124 ha, of which approximately one half lies within the ALR.
Decision: Allowed on the grounds that it did not affect the ALR portion of the property.

Application #27915-1

Applicant: Robert Gourley
Decision Date: July 15, 1993
Proposal: To subdivide the ALR portion of the property from the non-ALR portion, creating a 36 ha property lying wholly within the ALR.
Decision: Allowed subject to a 20 meter natural buffer on the southern, eastern and southwestern non-ALR boundaries and the construction of a barbed wire fence around the new ALR lot.
The conditions were subsequently altered through reconsideration requests.

RELEVANT APPLICATIONS:

Application #35558-0

Applicant: Wyndlow Farms Ltd

Decision Date: October 14, 2004

Proposal: Wyndlow Farms Ltd (Keith Wyndlow) is requesting permission to subdivide a 2 ha lot from the northeastern corner of the property for future residential use for his son. The proposed lot is in an area of poor agricultural capability and the proposed home on the lot would be located on a rock outcrop. The subdivision is to enable the son to own his own property and assist in carrying on the main farming operations.

Decision: Allowed on the grounds that the land under application has little utility for agriculture and subdivision will not impair use of the balance of the property for agriculture.

CURRENT APPLICATIONS

Application #37288-0

Applicant: Toni Gatland

Decision Date: Currently under consideration.

Proposal: To adjust the boundary between a 9.3 ha lot (out of the ALR) and a 35.5 ha lot (in the ALR) to create a 32.4 ha lot and a 12.4 ha lot. The original 9.3 ha lot would be included into the Agricultural Land Reserve.

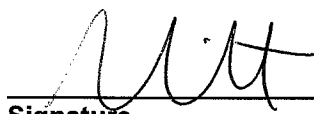
LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional District Board: Forwarded the application with a recommendation of approval, subject to Lot 100 being included within the Agricultural Land Reserve, Lot 100 being rezoned to A-1, and the existing covenant being amended to include both subject properties.

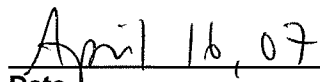
ATTACHMENTS:

- ALR map (1:50,000 and 1:10,000)
- Air photo
- Letter from applicant's agent regarding proposal (with 3 maps)

END OF REPORT



Signature



Date