



Agricultural Land Commission
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September 21, 2007

Reply to the attention of Terra Kaethler
ALC File: # J - 37537

Anthony Van De Mortel
PO Box 202
Cobble Hill, BC V0R 1L0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 451/2007 outlining the Commission's decision as it relates to the above noted application.

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:

Erik Karlsen, Chair

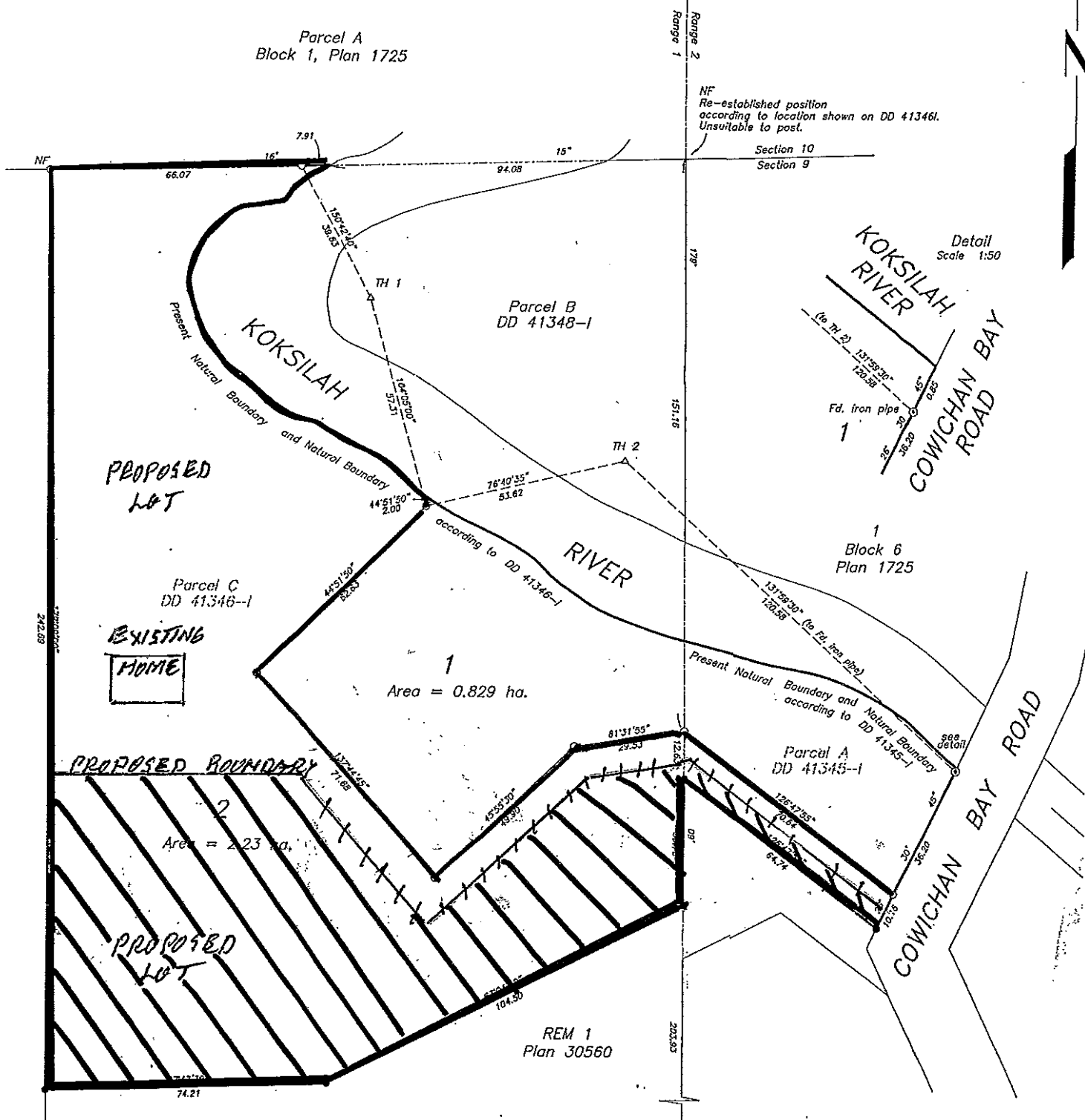
Cc: Cowichan Valley Regional District (4-D-06ALR)

Enclosure: Minutes/Sketch Plan



TK/lv
37537d1.

The registered owner designated hereon declares that he/she has entered a covenant in favour of Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Ministry of Agriculture, Food and Fisheries, under section 219 of the Land Title Act.

for the Minister of Transportation



Provincial Agricultural Land Commission
 Application # 37537
 Resolution #451/2007

-  Subject property
-  Approved 1.0 ha subdivision (approx)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 30, 2007 at the offices of Ministry of Agriculture and Lands in Victoria, B.C.

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

For Consideration

Application: # J- 37537
 Applicant: Anthony Van De Mortel
 Proposal: Subdivision for a relative: To subdivide the 2.2 ha subject property in half to allow for the construction of a residence for a family member on the new lot.
 Legal: PID: 025-953-079
 Location: Lot 2, Section 9, Range 1 & 2, Cowichan District, Plan VIP77069
 2258 Cowichan Bay Road

Site Inspection

A site inspection was conducted on August 29, 2007. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Anthony Van De Mortel Applicant

The Commission met with the applicant and walked the property. It noted that the subject property was on the top of a steep knoll and that the areas of steep topography were restricted by a no-build covenant. The portion of the property potentially available for agriculture was minimal. The Commission also noted that the large property to the east was a golf course.

The applicant confirmed that the staff report dated July 9, 2007, was received and no errors were identified.

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

Further to the site visit, the Commission considered that the majority of the subject property had significant limitations of topography and rocky soils, leaving a very minimal area that agriculture could take place on that parcel. As such, the Commission had no objections to the proposal as it did not believe that subdivision would impact existing or potential agricultural use of 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;

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 # 451/2007



Staff Report
Application # J – 37537
Applicant: Anthony Van De Mortel

DATE RECEIVED: July 9, 2007

DATE PREPARED: August 15, 2007

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a relative: To subdivide the 2.2 ha subject property in half to allow for the construction of a residence for a family member on the new lot.

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

BACKGROUND INFORMATION:

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 025-953-079
Lot 2, Section 9, Range 1 & 2, Cowichan District, Plan VIP77069

Purchase Date:

March 2004

Location of Property:

2258 Cowichan Bay Road

Size of Property:

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

Present use of the Property:

Residential

Agricultural Capability:

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

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Golf Course
SOUTH: Residential
EAST: Residential
NORTH: Open Fields and Waster Storage (Dump)

Official Community Plan and Designation:

Cowichan Bay OCP Bylaw No. 925, Designation: N/A

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1015, Designation: A-1 (Primary Agricultural), Minimum Lot Size: 12 ha

RELEVANT APPLICATIONS:

Application #36670-0

Applicant: Robert Wakelin
Decision Date: June 6, 2006
Proposal: To rebuild an existing carport/garage into a garage/shop and residential suite. Eventually the old shop and existing residence would be removed and a new residence built in its place.
Decision: Allowed on the grounds that the property was small, had poor capability (slope), and remodeling of existing structures would have no negative effect on the agricultural use of the land.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional District Board: Forwarded without comment.

Advisory Planning Commission Area 'D': Small agricultural operations with small land use are successfully being operated in the valley. Supporting this application could set a precedent for further reduction in creative agricultural production in the area.

CVRD Planning Staff: Recommend denial as it does not conform to the minimum parcel size requirements of the Bylaw and that the application be forwarded to the ALC.

STAFF COMMENTS:

The application proposes to cut the Class 2 area of the property in half and construct a house on the new lot.

ATTACHMENTS:

- ALC Context Map (1:20,000)
- Air photo
- Agricultural capability map
- Sketch of proposal
- Map showing covenant/set-back areas

END OF REPORT

Signature

Date

August 15, 07