



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: J-37619

November 19, 2007

Harold and Gwen Padur
3747 Telegraph Road
Cobble Hill, BC V0R1L4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 547/2007 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: 

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (2-C-07ALR)

Enclosure: Minutes/Sketch Plan

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 11, 2007 in Cobble Hill, B.C.

PRESENT:	Erik Karlsen	Chair
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 37619
Applicant: Heinz and Sonja Padur
Agent: Harold and Gwen Padur
Proposal: Subdivision for a Relative: To subdivide the 5.84 ha subject property to provide a separate lot around the second residence for a relative.
Legal: PID: 002-561-042
Lot 1, Section 15, Range 8, Shawnigan District, Plan 27259, EXCEPT Part in VIP61940
Location: 3745 and 3747 Telegraph Road, Cobble Hill

Site Inspection

A site inspection was conducted on October 10, 2007. Those in attendance were:

▪ Erik Karlsen	Chair
▪ David Craven	Commissioner
▪ Donald Rugg	Commissioner
▪ Terra Kaethler	Staff
▪ Sonja Padur	Applicant

The Commission visited the property and viewed the area proposed for subdivision. The Commission noted that the area to be subdivided was extremely steep. The agent lives in the house that is proposed for subdivision; the applicants are the agent's parents and live in the second dwelling on the property. The agent was not available, but Sonja Padur, one of the applicants was present.

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

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the majority of the subject property is identified as Class 5 and Class 7 with limitations of topography and bedrock:

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission considered that the portion of the property proposed for subdivision has limited capability for agriculture.

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 discussed that while the proposed configuration of the subdivision was awkward, the proposed panhandle along the existing driveway appeared to be the most feasible access given the topography of the property. The Commission does not believe the proposal would 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; 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.

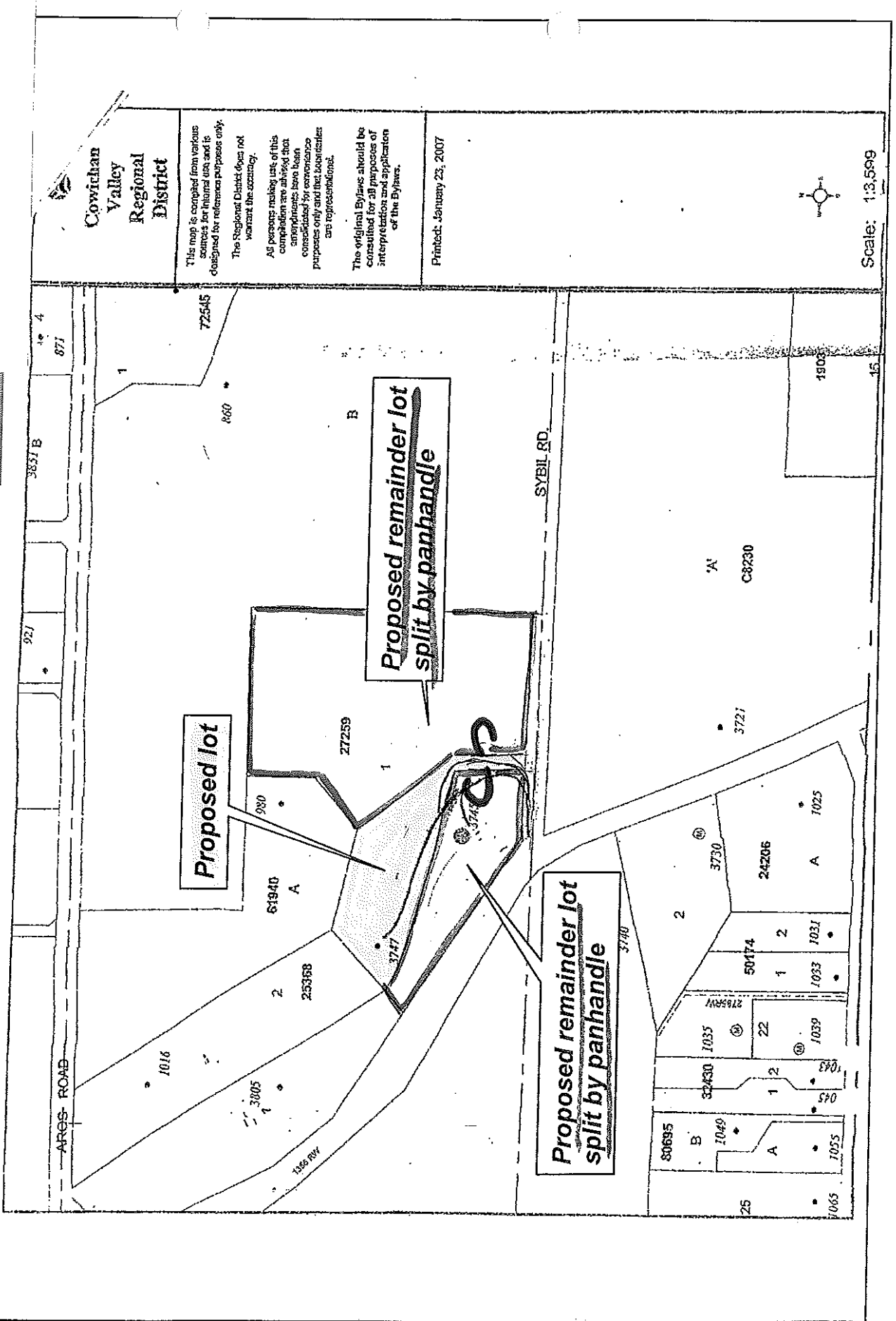
CARRIED

Resolution # 547/2007

Site Plan

Subject Property

Approved subdivision of 1.5 ha



Cowichan Valley Regional District

This map is compiled from various sources for internal use and is designed for reference purposes only. The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been considered for convenience purposes only and that boundaries are representative.

The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

Printed: January 23, 2007



Scale: 1:3,599