



Staff Report
Application # J – 37619
Applicant: Heinz and Sonja Padur
Agent: Harold and Gwen Padur

DATE RECEIVED: August 16, 2007

DATE PREPARED: September 27, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide the 5.8 ha subject property to provide a 1.5 ha lot for a relative.

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

BACKGROUND INFORMATION:

The Commission approved a second dwelling for the previous applicant's son in 1982. The proposal is to subdivide around the second dwelling.

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 002-561-042

Lot 1, Section 15, Range 8, Shawnigan District, Plan 27259, EXCEPT Part in VIP61940

Purchase Date:

October 05, 1005

Location of Property:

3745 and 3747 Telegraph Road, Cobble Hill

Size of Property:

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

Present use of the Property:

Residential (two homes)

Surrounding Land Uses:

WEST: Residential and Agricultural
SOUTH: Agricultural
EAST: Agricultural
NORTH: Residential Wooded Area

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.063

The majority of the property is identified as having Secondary ratings. The majority of the property is rated as Class 5 (45%) and Class 7 (45%) with limitations of topography and bedrock outcroppings.

Official Community Plan and Designation:

Cobble Hill OCP
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1405
Designation: A-1 (Primary Agricultural)
Minimum Lot Size: 12 ha

PREVIOUS APPLICATIONS:

Application #28353-0

Applicant: PADUR, H. & S.
Decision Date: 1995
Proposal: Subdivision
Decision: Approved

Application #15526-0

Applicant: Padur, Heinz W.
Decision Date: 1982
Proposal: To construct a second dwelling for the applicant's son
Decision: Approved

RELEVANT APPLICATIONS:

Application #33047-0 (adjacent to east)

Applicant: Padur, Horst
Decision Date: February 24, 2000
Proposal: To subdivide off a 2 ha parcel from the north-east corner of the property to provide a homesite for the applicant's daughter.
Decision: Allowed the subdivision for as small a lot as possible in lieu of the Commission's HSP.

Application #37618-0

Applicant: Cullimore, Stephen and Vanessa
Decision Date: Currently under consideration.
Proposal: Subdivision for a Relative: To subdivide the 6.0 ha subject property to provide a 2.0 ha lot for a relative.
Decision: N/A

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional Board: Forwarded without comments or recommendations.

Advisory Planning Commission: Recommended subject to the subdivision being two continuous lots.

Local Government Staff: That the application be forwarded for consideration. Also noted that the CVRD would require a covenant prohibiting the remainder parcel from being further subdivided, should the application be approved.

STAFF COMMENTS:

- The configuration of the proposed subdivision is somewhat awkward, as a panhandle access to the new lot would cross over the remainder lot, creating portions of the remainder lot on both sides of the panhandle. The remainder would be hooked together. The applicants state that this is the only plausible access to both properties (located in the existing driveway) due to the topographical limitations of the property. A site visit may determine if alternative subdivision configurations are available, and what impact the proposal will have on agriculture.

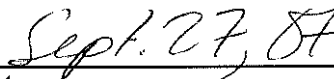
ATTACHMENTS:

- ALC Context Map
- Agricultural Capability Map
- Airphoto Map
- Sketch of Proposal
- CVRD Staff report (p3-4)

END OF REPORT



Signature



Date