



Provincial Agricultural Land Commission - Staff Report

Application: 52074

Applicant: Arturo and Yanina Mendenhall
Local Government: Cowichan Valley Regional District

Proposal: SUBDIVISION - Proposal to adjust the boundary between one 0.7 ha lot and one 7.0 ha lot to create two lots that are 1.8 ha and 5.9 ha.

BACKGROUND INFORMATION

The applicant proposes to adjust the boundary on the 0.7 ha lot due to its relatively limited agricultural potential resulting from its small size, awkward size not useful for agriculture, and topographical constraints. Adjusting the boundary would allow for the applicant to have frontage on Marshall road. In 2007, the ALC approved a similar boundary adjustment for Lot A to the north of the subject property.

PROPERTY INFORMATION

PID: 027-895-165
Legal Description: Lot B Sections 8 and 9 Range 3 Quamichan District Plan VIP86446
Property Area: 7.0 ha
ALR Area: 7.0 ha
Purchase Date: March 25, 2009
Location: 4921 Marshall Road, Duncan
Owner: Arturo and Yanina Mendenhall

PID: 009-646-973
Legal Description: That Part of Parcel D (DD 57456I) of Sections 7 and 8, Range 3, Quamichan District, Shown Outlined in Red on Plan 627 RW
Property Area: 0.7 ha
ALR Area: 0.7 ha
Purchase Date: July 2, 1999
Location: 4921 Marshall Road, Duncan
Owner:

Total Land Area: 7.7 ha
Total ALR Area: 7.7 ha

LAND USE

Current Land Use:
Residence, shop, gravel extraction remainder/trees

Surrounding Land Uses:
North: 40 ha Hayfield in ALR
East: 20 ha Hobby farm and Vineyard in ALR
South: 40 ha Hobby farms in ALR
West: 20 ha Hobby farms in ALR

PROPOSAL DETAILS

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Subdivision - ALR Area: 7.7 ha

Number of Lots	ALR Area of Lot (ha)
1	5.9
1	1.8

Agricultural Capability:

The majority of the area under application is rated as: Mixed Prime and Secondary

Source: BCLI

Mapsheet: 92B.072

PREVIOUS APPLICATIONS

Application ID: 44332

Legacy #: 37620

Applicant: Arturo and Yanina Mendenhall

Proposal: To adjust the boundaries between the two properties in order to increase the smaller one from 0.4 ha to 1.6 ha and the larger property would be reduced from 8 ha down to 6.8 ha

Decision:

Resolution #	Decision Date	Decision Description
551/2007	October 11, 2007	Allowed as requested

Application ID: 41100

Legacy #: 35308

Applicant: Orosi Land Co. Ltd

Proposal: Orosi Land Co. is requesting permission to subdivide a 0.6 ha lot from the existing 8.4 ha property. the proposed lot is a portion of the parent parcel which lies across Marshall road from the balance of the property. The applicant states that the proposed lot area has never been farmed and this portion of the subject property would be of no use to any farming operation on the larger portion.

Decision:

Resolution #	Decision Date	Decision Description
253/2004	June 10, 2004	Allow as requested - no impact on agriculture

Application ID: 14978

Legacy #: 33038

Applicant: Orosi Land Co. Ltd

Proposal: remove 170,000 m3 of gravel up to a maximum depth of 12 m.

Decision:

Resolution #	Decision Date	Decision Description
6/2000	January 24, 2000	The Commission approved the proposal in principle pending receipt of a report from an appropriately qualified soils specialist agrologist.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Cowichan-Koksilah OCP Bylaw No.1490

Designation: Agricultural

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Electoral Area E Blyaw No. 1840

Zoning Designation: A1 - Primary Agriculture

Minimum Lot Size: 12.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Board/Council

The Board of the Cowichan Valley Regional District suggest that the proposal be forwarded to the ALC with a recommendation to deny the application. No explanation was given.

Planning Staff

Planning staff recommend that the application be sent to the ALC for review and advice to the applicant on the desired lot configuration to achieve maximum agricultural capability, and that revision comply with the requirements of Electoral Area E Zoning Bylaw No. 1840

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The improved BCLI rating of the larger property is 7:4T 3:5T, and 6:7T 4:5T for the smaller property.
- 2) The applicant claims that he is attempting to improve the agricultural capabilities of the parcel through removal of a sloping gravel deposit and replace it with topsoil in order to level the lot.
- 3) In 2007, the ALC approved a similar boundary adjustment involving lot A to the north. See file #44332
- 4) The current size and shape of the 0.3 ha parcel is the result of the lot following a right of way and is not conducive to agriculture.
- 5) Although neither proposed parcel meets the 12 ha minimum lot size required for A-1 zoning by Electoral E Zoning Bylaw No. 1840. However, the proposal does comply with section 12.4 of the same bylaw which states that existing parcels may be (re)subdivided into new parcels for matters of convenience provided that:
 - a) Parcels are contiguous
 - b) No additional lots are created
 - c) The boundary change does not result in the reduction of either parcel by 20% or more of its original size.
 - d) The requirements for building sitings is complied with

ATTACHMENTS

52074_AirphotoMap.pdf
52074_ProposalSketch.pdf
52074_ContextMap20k.pdf

END OF REPORT

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