



Provincial Agricultural Land Commission - Staff Report

Application: 52102

Applicants: Sidney & Valerie Rajala, Benjamin & Rhonda Weber
Local Government: Cowichan Valley Regional District

Proposal: SUBDIVISION - The applicants propose to subdivide 0.8 ha into two equal parcels of 0.4 ha for their daughter.

BACKGROUND INFORMATION

A second dwelling was built on the property in 2009 as permitted by R-1 rezoning. The applicant wants to subdivide the subject property, pursuant to Section 946 of the Local Government Act for their daughter (Rhonda Weber) to have her own land title.

PROPERTY INFORMATION

PID: 007-334-702
Legal Description: Lot 18 Block H Section 15 Renfrew District (Situate in Cowichan Lake District) Plan 1501
Property Area: 0.8 ha
ALR Area: 0.8 ha
Purchase Date: December 2, 2007
Location: 10315 & 10318 Swinburne Avenue
Owners: Benjamin & Rhonda Weber, Sidney & Valerie Rajala

LAND USE

Current Land Use:
Rural Residential

Surrounding Land Uses:

North: 1 ha Rural Residential out of ALR, surrounded by Rural Residential parcels 0.2 ha - 0.8 ha in ALR
 East: < 0.4 ha Rural Residential in ALR
 South: 0.8 ha Rural Residential parcels in ALR
 West: 0.8 ha Rural Residential parcels in ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 0.8 ha

Number of Lots	ALR Area of Lot (ha)
2	0.4

Agricultural Capability:

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

Source: CLI

Mapsheet: 92C/16

RELEVANT APPLICATIONS

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Application ID: 12892

Legacy #: 16722

Applicant: Friesen's Low Cost Store

Proposal: To exclude the 0.8 ha property for the development of a neighbourhood pub.

Decision:

Resolution #	Decision Date	Decision Description
1831/1983	December 9, 1983	Allow as requested

Application ID: 12875

Legacy #: 32521

Applicant: Provincial Agricultural Land Commission

Proposal: Block Application - To exclude approximately 60 ha from the ALR on the grounds the lands have minimal agricultural potential due to excessive parcelization.

Application ID: 1770

Legacy #: 28479

Applicant: James Slack

Proposal: Subdivide the subject property into 2 lots of equal size. (Each @ 0.5 ha approx.)

Decision:

Resolution #	Decision Date	Decision Description
240/1994	February 22, 1994	Refused as requested.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: West Cowichan OCP Bylaw No. 1945

Designation: Rural Residential

OCP Compliance: No

Zoning:

Zoning Bylaw Name: CVRD Zoning Bylaw No. 2600

Zoning Designation: Rural Residential

Minimum Lot Size: 2.0 ha

Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

The APC recommend to the regional board that the subdivision will have no negative effects on the agricultural capability on the land. However, they do have concerns regarding the density of this area from a land use perspective.

Board/Council

The Cowichan Valley Regional District Board recommends that the application pursuant to the Local Government Act Section 946 be forwarded to the ALC with no recommendation.

Other

CVRD Electoral Area Services recommend that the application be forwarded to the ALC with no comment.

Planning Staff

The Cowichan Valley Regional District Planning Staff recommend that the application pursuant to the Local Government Act Section 946 be forwarded to the ALC with a recommendation to deny the application as it does not adhere to minimum lot size, and may set precedent to allow other subdivision which would increase the density of the area.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The CLI rating of the subject property is 2X, however there are no large agricultural operations in the area.

ALC STAFF COMMENTS

- 2) The applicants do not currently farm the property, and do not intend to in the future.
- 3) The applicants are applying for subdivision under the Local Government Act Section 946, however subdivision of 0.8 ha into two lots of 0.4 ha does not meet Cowichan Valley Regional District minimum lot size bylaw requirements for R-1 zoning.
- 4) In 2009, a previous subdivision application by the applicants was not supported by the CVRD and the Vancouver Island Health Authority. All subdivided properties less than 1 ha require approval from a medical health officer.
- 5) CVRD Planning Staff suggest that an application for exclusion from the ALR may be more appropriate in order to seek rezoning approval. However, an exclusion would result in a pocket of residential zoning within the ALR, and possibly set precedent for other properties to apply for exclusion or subdivision of rural residential lots.

ATTACHMENTS

52102_AirphotoMap2.5k.pdf
52102_ProposalSketch.pdf
52102_Context Map.pdf

END OF REPORT

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