



Provincial Agricultural Land Commission - Staff Report

Application: 52148

Applicant: Downes Point Holdings Ltd
Agent: Merrilyn Farquhar
Local Government: Islands Trust Hornby Island

Proposal: EXCLUSION - Proposal to exclude 5 ha of the Downes Point Holdings (DPH) property from the ALR to be replaced by the inclusion of 5 ha of DPH property not presently in the ALR

BACKGROUND INFORMATION

The Downes Point Holding is owned by 10 shareholders and incorporated in 1967. All homes pre-date the ALR and Islands Trust, but 6 of the 10 homes on the property were deemed to be legally non-conforming under the Hornby Island OCP. The objectives of the DPH are to 1) restore property rights to the shareholders and 2) obtain legal, conforming status for all homes on the DPH property.

PROPERTY INFORMATION

PID: 009-655-123
Legal Description: The South 1/2 of Section 1 Hornby Island, Nanaimo District, Except Parcel A (D 111779I) and Except Those Parts in Plans 13495 and 19601
Property Area: 30.0 ha
ALR Area: 17.0 ha
Purchase Date: April 12, 1967
Location: Sandpiper Road, Hornby Island
Owner: Downes Point Holdings Ltd

LAND USE

Current Land Use:
Residential

Surrounding Land Uses:

North: 60 ha+ Residential - Sandpiper Subdivision
East: Pacific Ocean
South: Pacific Ocean and D. Winters property of which the lower piece is ALR designated DD111779.A
West: 60 ha+ Residential

PROPOSAL DETAILS

Exclusion Area: 5.0 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 92F/10

RELEVANT APPLICATIONS

RELEVANT APPLICATIONS

Application ID: 52120

Applicants: Merrilyn Farquhar, Downes Point Holdings Ltd

Proposal: INCLUSION - Proposal to include 5 ha of the Downes Point Holdings (DPH) property into the ALR in exchange for the exclusion of 5 ha of the DPH property from the ALR.

Note: x

Application ID: 20114

Legacy #: 02672

Applicant: Agricultural Land Commission

Proposal: Inclusion

Decision:

Resolution #	Decision Date	Decision Description
10421/1978	August 17, 1978	Cabinet approved inclusion by OIC (174.9 ha). This resolution number is used to enter statistical information relating to the area approved for inclusion and subsequent decision by Cabinet.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Hornby Island OCP Bylaw No. 104, 2002

Designation: Agricultural in ALR, Rural Residential outside ALR

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Hornby Island Land Use Bylaw No. 86, 1993

Zoning Designation: Agriculture in ALR, Rural Residential outside ALR

Minimum Lot Size: 16.0 ha

Zoning Compliance: No

Comments and Recommendations:

Board/Council

The Hornby Island Local Trust Committee confirm that the exclusion and inclusion equivalent areas of land are in compliance with the OCP subject to ALC approval. The local trust committee advises that, for purposes of information and not to suggest approval or disapproval of the exclusion, that the exclusion of the proposed area from the ALR would facilitate management of the existing residential values and that the Local Trust Committee is prepared to consider ongoing zoning regulations that would allow for ongoing agricultural use of the area proposed for exclusion, and to re-zone the land proposed for inclusion as Agricultural.

Planning Staff

The Island Trust Planning Staff recommend that the the Hornby Island Local Trust Committee forward that application to the ALR, confirming that the exclusion and inclusion equivalent areas of land are in compliance with the OCP subject to ALC approval.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The CLI rating of the proposed exclusion property is predominantly 7:3M 3:4W (improvable to 7:2X 3:3P). The proposed land to be included has a rating of 8:7TR 2:5T and may not be suitable for agricultural purposes.
- 2) The applicants state that the land proposed for exclusion from the ALR has a fairly steep slope towards its northern boundary, has several rocky outcrops, and is divided by a road and several driveways. It also has several septic fields installed in it which limits its agricultural potential.
- 3) The buildings on the DPH property were built before the establishment of the ALR and Islands Trust. In 1986 the DPH residents were informed that there were already more dwellings on the property than is allowed by ALR designation. According to Hornby Island OCP zoning, at least 6 of the houses are considered "legally nonconforming". Under this zoning, legally non-conforming residences can not be rebuilt or replaced if they are

ALC STAFF COMMENTS

more than 75% damaged due to fire or other catastrophic events. The DPH feel that these restrictions remove the property rights of the affected shareholders.

ATTACHMENTS

52148_Rationale.pdf
52120_Airphoto.pdf
52148_Context Map.pdf
52148_Proposal Sketch.pdf

END OF REPORT

Prepared by: Liz Sutton