



# Provincial Agricultural Land Commission - Staff Report

## Application: 52173

**Applicant:** Michael & Caroline Patterson  
**Local Government:** Islands Trust Pender Island

**Proposal:** INCLUSION - Proposal to include the 0.5 ha of non-ALR land to the 4.3 ha ALR portion of parcel, in order to add a second dwelling on the property.

## BACKGROUND INFORMATION

In 2003 the owners submitted an application to the ALC for exclusion of 4.3 ha of land from the ALR so that a permanent second residence could be permitted on the property. At the time the ALC refused the exclusion request, but they did indicate they supported a second dwelling on the property if an application was made to include the 0.5 ha non-ALR portion of the property within the ALR. The currently split zoned Agricultural/Rural property would include the Rural zoned portion into the ALR.

## PROPERTY INFORMATION

**PID:** 007-078-471  
**Legal Description:** Parcel H (DD98982I), Section 19, Pender Island, Cowichan District  
**Property Area:** 4.8 ha  
**ALR Area:** 4.3 ha  
**Purchase Date:** February 15, 2000  
**Location:** 5435 Hooson Road  
**Owner:** Michael & Caroline Patterson

## LAND USE

**Current Land Use:**  
Residential, pasture, orchard, garden

**Surrounding Land Uses:**  
North: Hope Bay  
East: Non-ALR - Large forested, multi-residential  
South: ALR - Forested and cleared pasture  
West: Hope Bay with farmlands beyond in ALR

## PROPOSAL DETAILS

**Inclusion Area:** 0.5 ha  
**Agricultural Capability:**  
The majority of the area under application is rated as: Secondary  
**Source:** CLI  
**Mapsheet:** 92B/14

## PREVIOUS APPLICATIONS

## PREVIOUS APPLICATIONS

**Application ID:** 39726

**Legacy #:** 34798

**Applicant:** Michael & Caroline Patterson

**Proposal:** Michael and Caroline Patterson have applied for exclusion of this 4 ha property from the ALR in order to facilitate the siting and construction of a second permanent residence on the property. The older heritage home on the property has been restored by the applicants who now wish to live in a new residence to be constructed along the shoreline in one of two locations as indicated in the file.

**Decision:**

Resolution #	Decision Date	Decision Description
228/2003	June 11, 2003	Refuse exclusion, allow second dwelling in ALR subject to inclusion of non-ALR portion of property into ALR.

## LOCAL GOVERNMENT INFORMATION

**Official Community Plan:**

**Bylaw Name:** North Pender Island Land Use Bylaw No. 103

**Designation:** 10% Rural, 90% Agricultural

**OCP Compliance:** Yes

**Zoning:**

**Minimum Lot Size:** 4.0 ha

**Zoning Compliance:** Yes

**Comments and Recommendations:**

**Advisory Planning Committee**

The North Pender Island Local Trust Committee passed a resolution stating their full support to forward the application for inclusion of land into the ALR.

**Planning Staff**

the Islands Trust Planning Staff recommend that the North Pender Island Local Trust Committee pass a resolution stating their full support to forward the application for inclusion of land into the ALR.

## ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- 1) The CLI rating of the total 4.8 ha subject property for inclusion is 7:7RT 3:6RM.
- 2) The applicants are submitting the proposal for inclusion at the recommendation of the ALC in order to meet the conditions to allow for an additional dwelling.
- 3) The applicant states that the new dwelling will be located near the existing cottage and auxiliary buildings. An additional dwelling will not greatly increase the density of the area, and will likely not impact agricultural activities in the area.
- 4) Under the current Land Use Bylaw provisions of the Islands Trust, the subject property is permitted one cottage, however the existing dwelling exceeds the floor area of a cottage by 8.8m<sup>2</sup>. If the ALC approves the inclusion, the applicants will be required to ensure that their existing dwelling conforms to the definition of a cottage in the Land Use Bylaw. The applicants are currently considering options to reduce the floor area of the existing dwelling in order to be considered a cottage.

## **ATTACHMENTS**

52173\_ContextMap10k.pdf  
52173\_AirphotoMap.jpg  
52173\_AgCapabilityMap.pdf  
52173\_Proposal Sketch.pdf  
52173\_Zoning.pdf

## **END OF REPORT**

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