



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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October 6, 2005

Reply to the attention of Ron Wallace

John and Pauline McCarthy
679 Vesuvius Bay Road
Salt Spring Island, BC – V8K 1H5

Dear Sir/Madam:

Re: **Application # C-36176**
Lot 2, Section 8 and 9, Range 2 West, North Salt Spring Island, Cowichan District, Plan 18610

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to construct a single family residence on the above noted property in addition to retaining a small cottage to be used for guests. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application subject to:

- the rescission of the previous application #75-1272 (Mr. and Mrs. A. Johnson) that approved the establishment of a duplex on the subject property (copy of letter attached).
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Islands Trust, Salt Spring Island at your earliest convenience.

The decision noted above is recorded as Resolution **#519/2005**.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Islands Trust - Salt Spring Island – SS-ALR-2005.

RW/lv/Encl.
36176d1

March 19, 1976

Reply to the attention of:
Gary Holisko

Mr. & Mrs. A. Johnston
2926 West 49th Avenue
Vancouver, B.C.

Dear Mr. & Mrs. Johnston:

Re: Application #75-1272

This is to advise that the Provincial Land Commission has considered your application regarding land described as lot 2, Sections 8 and 9, Range 2 West, Plan 18610, Cowichan Land District.

Pursuant to Section 11(4) of the Land Commission Act, the Commission, by Resolution #3516/76, allowed your application to establish a duplex on your property.


This approval is granted provided that your proposal is in substantial compliance with the sketch plan attached hereto and submitted with your application.

The land referred to in the application is to remain in the Agricultural Land Reserve of the Capital Regional District and is subject to the provisions of the Act and regulations except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, bylaws, and decisions of responsible authorities which may apply to the land.

Please quote Application #75-1272 in any future correspondence.

Yours truly,


G.G. Runka
Chairman

cc: Capital Regional District (ALR 37-75)
Approving Officer, Hwys., Burnaby
R. Sampson, B.C. Assessment Authority
Islands Trust

Blind - George ATAMANENKO

GH/dj
encl

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on September 28, 2005 in Nanaimo, BC.

PRESENT: Lorne Seitz Chair
 David Craven Commissioner
 Donald Rugg Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented his staff report dated September 16, 2005 regarding application #C-36176, John and Pauline McCarthy. The proposal is to construct a single family residence on the subject property in addition to retaining a small cottage to be used for guests.

Commission Discussion

The Commission concurred with the staff recommendation and supported the proposal subject to rescinding of the previous decision for the duplex.

IT WAS

MOVED BY: Commissioner D. Craven

SECONDED BY: Commissioner L. Seitz

THAT the staff report be received and the application to construct a single family residence on the subject property in addition to retaining a small cottage to be used for guests be approved subject to rescinding of the previous decision (#01272) for the duplex.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

Carried.



Staff Report
Application # C – 36176-0
Applicant: John and Pauline McCarthy

DATE PREPARED: September 16, 2005

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To construct a single family residence on the subject property in addition to retaining a small cottage to be used for guests.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There has been one previous application on the property made in 1976. The applicants, Albert and Margaret Johnston, requested a duplex to be located on the property which was allowed.

Local Government:

Islands Trust Salt Spring Island

Legal Description of Property:

1. PID: 003-762-637
Lot 2, Section 8 and 9, Range 2 West, North Salt Spring Island, Cowichan District, Plan 18610

Purchase Date

01/17/1994

Location of Property:

679 Vesuvius Bay Road, Salt Spring Island, BC

Size of Property:

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

Present use of the Property:

Recreational lot. There is a 416 square foot cottage, sheds and a garden on the property.

Surrounding Land Uses:

WEST: Agriculture
SOUTH: Residential
EAST: Agriculture
NORTH: Vesuvius Bay Road, residential lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/13
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Agricultural 1 designation within the Salt Spring Island OCP.

Zoning Bylaw and Designation:

A1 - Agricultural 1

Section 9.1.1 - Permitted Uses of Land, Buildings and Structures
"Seasonal Cottages subject to Section 3.14"

PREVIOUS APPLICATIONS:

Application #01272-0

Applicant: Albert & Margaret Johnston
Decision Date: March 17, 1976
Proposal: To construct a duplex on the subject property.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #23768-0

Applicant: IT Vesuvius Estates Ltd.
Decision Date: March 15, 1990
Proposal: To exclude the 3.61 ha property from the ALR.
Decision: Refused as the property has good capability for agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Islands Trust

The Salt Spring Island Local Trust Committee supports approval of the application.

Agricultural Advisory Committee

Recommended that the application be authorized to proceed to the ALC.

Local Government Staff

Seasonal cottages are a permitted accessory use in the A1 zone. The OCP also allows the Local Trust Committee to support such an application to the ALC.

STAFF COMMENTS:

In light of the Commission's previous approval for a duplex that has not been constructed to date, staff recommends approval for the additional dwelling subject to rescinding of the previous decision for the duplex.

END OF REPORT



Signature

Date 20 Sept 2025