



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

May 9, 2006

Reply to the attention of Ron Wallace

Eric & Constance Young  
7233 Mays Road  
Duncan, BC V9L 6A7

Dear Sir/Madam:

Re: **Application # J-36526**  
**Lot 5, Section 11,12,13, Range 7, Somenos District, Plan 10910, EXCEPT That part outlined in Red on Plan 1757-R**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the northern 8.1 ha portion of the above noted property into 3 lots of approximately 2.7 ha each for family members. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 18 April 2006.

The Commission felt from the on-site inspection that the northern portion of the subject property, proposed for subdivision, has no significant agricultural potential due to its steep topography and rocky soil conditions.

Based on this assessment of the property the Commission writes to advise that it approved your application in principle to create up to 4 lots on the northern side of the property subject to:

- the subdivision being within the area shown on the attached plan.
- the consolidation of land in the northeast corner of the property with the adjacent property to the east.
- 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 Municipality of North Cowichan at your earliest convenience.

The decision noted above is recorded as Resolution **#197/2006**.

Based on the above noted criteria please submit a preliminary plan of subdivision for the Commission's review. If acceptable the Commission will then issue final approval for the subdivision plan.

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Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

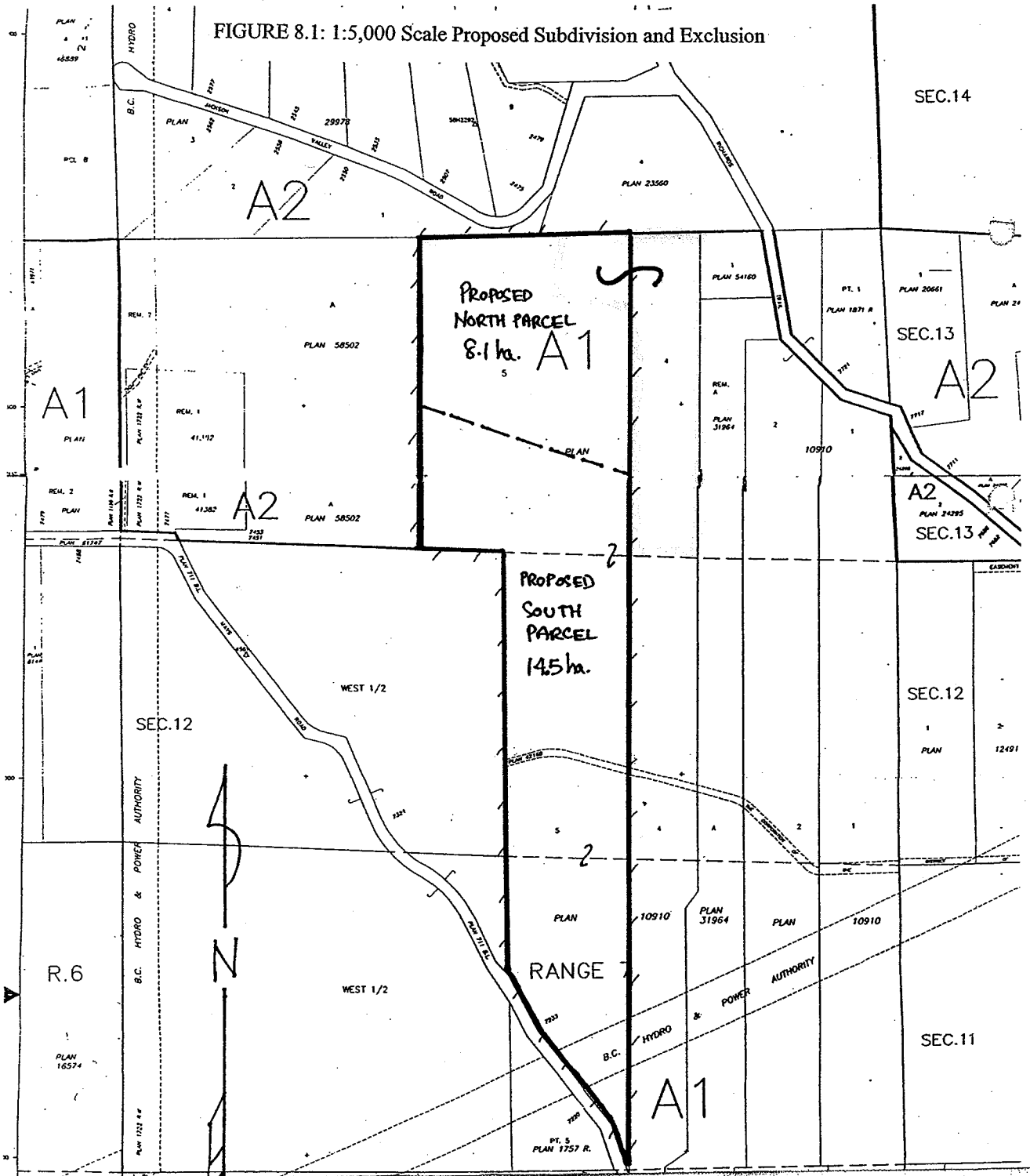
Per:

Erik Karlsen, Chair

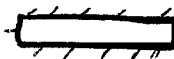
cc: Municipality of North Cowichan - 3025-20-05-10  
Darrell Young, 1458 Kingsview Road, Duncan, BC V9L 5P1

RW/lv/Encl.  
36526d1

FIGURE 8.1: 1:5,000 Scale Proposed Subdivision and Exclusion



Provincial Agricultural Land Commission  
 Application: J-36526  
 Resolution #197/2006



Subject property.



±8.1 ha area approved for subdivision up to 4 lots.



Lots to be consolidated.



**IT WAS**

**MOVED BY:** Commissioner L. Seitz

**SECONDED BY:** Commissioner D. Rugg

THAT the staff report be received and the application to subdivide the northern 8.1 ha portion of the property be approved up to the creation of four lots subject to land in the northeast corner of the property being consolidated with the adjacent property to the east.

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

CARRIED



**Staff Report**  
**Application # J – 36526-0**  
**Applicant: Eric & Constance Young**

**Agent: Darrell Young**

**DATE PREPARED:** April 10, 2006

**TO:** Chair and Commissioners – Island Panel

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To subdivide the northern 8.1 ha portion of the property into 3 lots of approximately 2.7 ha each for family members. A 14.5 ha parcel directly south of these three lots will form the remainder accessed from Mays Road.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

There has been one previous application considered on the property in 1996 when the Commission allowed the construction of a second permanent dwelling for the applicant's daughter and husband so that they can help with the farm operation. This approval was extended to the current owners of the property who purchased the land in 1963. In light of this and as a condition of the above noted approval any further consideration under Homesite Severance Policy would require that either of the two dwellings would be separated from the property.

**Local Government:**

The Corporation of the District of North Cowichan

**Legal Description of Property:**

1. PID: 005-156-874

Lot 5, Section 11,12,13, Range 7, Somenos District, Plan 10910, EXCEPT That part outlined in Red on Plan 1757-R;

**Purchase Date (m/d/y):**

05/09/1963

**Location of Property:**

7233 Mays Road, Duncan

**Size of Property:**

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

**Present use of the Property:**

The northern portion of the property proposed for subdivision is mostly treed; the southern portion of the property is used for pasture and hay forage.

**Surrounding Land Uses:**

**WEST:** Residential, agriculture  
**SOUTH:** Agriculture  
**EAST:** Agriculture  
**NORTH:** Residential use, non-ALR

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

The OCP designates this land as 'Agriculture'.

**Zoning Bylaw and Designation:**

(A1) Agricultural Zone, 12 ha minimum lot size

**PREVIOUS APPLICATIONS:**

**Application #30601-0**

**Applicant:** Young, Eric & Constance

**Decision Date:** May 16, 1996

**Proposal:** To construct a second permanent dwelling on the 23 ha property for the applicant's daughter. The area proposed for the home is a treed area of poor soils up against the road. The applicant's qualify for consideration under Homesite Severance Policy.

**Decision:** The Commission allowed the second dwelling on the grounds that the farm operation required additional help. As a condition of approval the Commission would require that the new dwelling be separated from the property if there was a future request for homesite severance.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Council**

That Council forward the application to the ALC advising that current zoning and OCP policy do not support the application. However, the proposal is consistent with past ALC decisions in the immediate area; and further that Council suggest that the ALC reassess the surrounding ALR classification taking into consideration the Agricultural Advisory Committee's recommendation.

**Agricultural Advisory Committee**

That the AAC advise the Technical Planning Committee that it does not support the proposal for three, six acre parcels but would be prepared to consider a refined plan that retains land in the north east portion of the site with the parent parcel and sever a lot (or maximum two) off the north west corner (subject to any new lots having a covenant acknowledging adjacent operations).

**Local Government Staff**

Policy:

The A1 zoning has a minimum lot size requirement of 29.65 acres (12 ha). The proposed 6 acre lots (2.4 ha) do not meet this requirement. The zoning bylaw further requires some 590 feet of frontage along a municipal road for each lot created. None of the 3 proposed lots share any boundary with a municipal road.

Comment:

Typically, subdivision proposals in the ALR center on a proposal to increase the viability of an existing or proposed farm operation. In this case the applicant proposes to dispose of land not suited for farming with no change to the existing operation.

**STAFF COMMENTS:**

The staff comment is as follows:

- The applicants have owned the property since 1963 and are thereby eligible for consideration for subdivision under the Commission's homesite severance policy (HSP).
- The Commission in application # 30601, noted above, indicated in its decision that any further consideration under the HSP would require that either of the two dwellings would be separated from the property.
- The land proposed for subdivision into three lots has been identified as having moderate to very low agricultural capability in a soil report prepared by Brian French, C & F Land Resource Consultants Ltd., in September 2002.

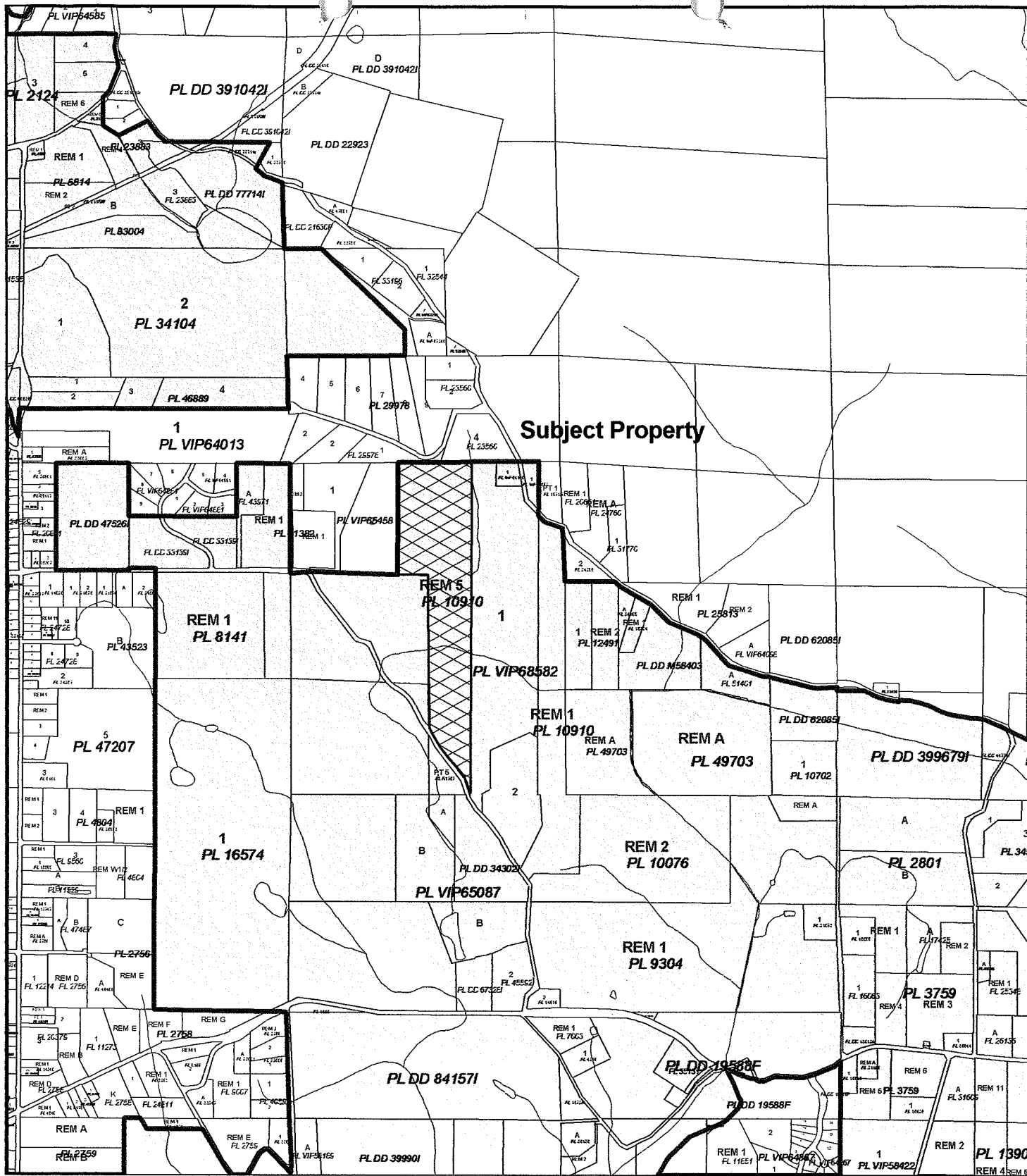
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**END OF REPORT**

  
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Signature

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Date 11 April 2006





**ALC CONTEXT MAP**  
**Application # 36526**

Map Scale: 1: 20000

**ALC File #: 21-06-36526**

**BCGS Map Sheet #: 92B.082**

**Regional District: Cowichan Valley**