



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 5, 2006

Reply to the attention of Ron Wallace

David & Marsha Stanley
3500 Telegraph Road
Cobble Hill, BC V0R 1L0

Dear Sir/Madam:

Re: **Application # J-36554-0**
Lot 2, Section 11, Range 9, Shawnigan District, Plan 5112, EXCEPT That part lying to the East of the 66 Foot Road dedicated by said Plan, and except parts in Plans 21716 and VIP58580

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to construct a second dwelling on the above noted property to provide residence for the second owners. You also propose to have a Bed and Breakfast located in the proposed second family dwelling. The application was submitted pursuant to section 20(3) 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 found the meeting and site visit informative.

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

- 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 Cowichan Valley Regional District at your earliest convenience.

The decision noted above is recorded as Resolution #195/2006.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#1-C-06ALR)
Alison Philp, 3500 Telegraph Road, Cobble Hill, BC V0R 1L0

RW/lv/36554d1

IT WAS

MOVED BY: Commissioner L. Seitz
SECONDED BY: Commissioner D. Craven

THAT the staff report be received and the application to construct a second dwelling on the subject property to provide residence for the second owners and to have a Bed and Breakfast be approved as recommended.

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

CARRIED



Staff Report
Application # J – 36554-0
Applicant: David & Marsha Stanley

DATE PREPARED: April 10, 2006

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To construct a second dwelling on the subject property to provide residence for the second owners. The applicants' business plan identifies their intention to have a Bed and Breakfast located in the proposed second single family dwelling. The existing house currently has a secondary suite.

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

BACKGROUND INFORMATION:

There has been one previous application involving this property to widen the intersection of Telegraph and Hutchison Road by approximately 0.5 ha.

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

1. PID: 006-040-411
Lot 2, Section 11, Range 9, Shawnigan District, Plan 5112, EXCEPT That part lying to the East of the 66 Foot Road dedicated by said Plan, and except parts in Plans 21716 and VIP58580

Purchase Date (m/d/y):

03/11/2005

Location of Property:

3500 Telegraph Road, Cobble Hill

Size of Property:

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

Present use of the Property:

The property is used for agricultural purposes including lavender, sheep, chickens and olives.

Surrounding Land Uses:

WEST: Vacant old farm
SOUTH: Treed lot
EAST: Arbutus Ridge Golf Course
NORTH: Vacant land, outside of the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.062
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Cobble Hill OCP designates the property as Agricultural

Zoning Bylaw and Designation:

(A-1) Primary Agriculture, 12 ha minimum lot size

PREVIOUS APPLICATIONS:**Application #28753-0**

Applicant: Ministry of Transportation & Highways
Decision Date: April 26, 1994
Proposal: To widen Telegraph Road where it intersects Hutchinson Road by approximately 0.5 ha in order to improve traffic safety.
Decision: Allowed.

RELEVANT APPLICATIONS:**Application #31456-0**

Applicant: Cameron, William & Bertha
Decision Date: September 26, 1997
Proposal: To subdivide a roughly 2.5 ha portion presently being used as a horse breeding farm from the balance, 4.8 ha, which is leased to and used as part of the Arbutus Ridge Golf Course.
Decision: That the application to subdivide a roughly 2.5 ha portion presently being used as a horse breeding farm from the balance, 4.4 ha, which is leased to and used as part of the Arbutus Ridge Golf Course be allowed subject to the remainder of lot 2 and lot 3 being consolidated by survey.

Application #23792-0

Applicant: Cameron, William & Bertha
Decision Date: November 16, 1989
Proposal: To lease 9.5 ha of the 12 ha total area for expansion of Arbutus Ridge Golf Course. This involved the construction of four fairways and a road right-of-way along the south boundary of lot 3. The remaining 2.5 ha would continue as horse farm.
Decision: The application was allowed as proposed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board's review of the application to construct a second dwelling on the property be recommended for approval to the ALC.

Advisory Planning Commission

"It was generally felt that this application is appropriate and therefore will be approved by the Commission based on the understanding that the applicants will remove the existing second suite in a timely manner once the proposed Bed and Breakfast is in operation. The APC supports this application."

Local Government Staff

This use is permitted in accordance with Zoning Bylaw No. 1405, which allows an additional single family dwelling to be constructed on parcels two hectares or larger.

The applicants' business plan identifies their intention to have a Bed and Breakfast located in the proposed second single family dwelling. Although this use is permitted in accordance with Zoning Bylaw No. 1405, Section 5.16 stipulates that the Bed and Breakfast must be completely contained within the single family dwelling which is the principal use on the property. It is noted that the existing house currently has a secondary suite. Section 5.23 of the zoning bylaw identifies a secondary suite as being permitted only if it is located within the principal residence. If this application is successful, the definition of principal residence may pose a conflict since each proposed use is required to be within the principal residence.

STAFF COMMENTS:

The Staff comment is as follows:

- As the second residence is to provide a residence for the second owners of the property, there is a possibility that this proposal could result in a future subdivision request.
- Staff recommends an on-site inspection to determine whether the existing level of agricultural development justifies a second permanent dwelling.

END OF REPORT



Signature



Date