



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

September 28, 2006

Please reply to the attention of Roger Cheetham

Charles & Marlene Hack
4547 Otter Point Road
Sooke, BC V0S 1N0

Dear Sir/Madam:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Our Ref: C - 36856

Please find attached the Minutes of Resolution Number 449/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Shaundehl Runka'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

Cc: Capital Regional District (#ALR-01-06)

RC/lv/Enc.
36856d1

00



00

Staff Report
Application # C – 36856-0
Applicant: Charles & Marlene Hack

DATE RECEIVED: August 8, 2006

DATE PREPARED: August 29, 2006

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 1.2 ha lot from the 3.2 ha subject property to allow their sons to establish an organic market garden and live on the 1.2 ha lot.

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

BACKGROUND INFORMATION:

Local Government:

Capital Regional District

Legal Description of Property:

PID: 016-915-542
Lot D, Section 7 and 18, Otter District, Plan 51493

Purchase Date:

March 1999

Location of Property:

4547 Otter Point Road, Sooke

Size of Property:

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

Present use of the Property:

Residence, berry bushes, fruit trees, poorly drained lowland previously used as a potato field.

Surrounding Land Uses:

- SOUTH:** Vacant lot (ALR)
- SOUTH:** Residence, cabins on Gordons Beach, Westcoast Highway#1
- NORTH:** Subject property
- NORTH:** Single Dwelling and Lot (ALR) used as B&B

BACKGROUND INFORMATION (continued):

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/5
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP Bylaw No. 1645
Designation: Agricultural

Zoning Bylaw and Designation:

Zoning Bylaw No. 2040
Designation: Agriculture (AG)
Minimum Lot Size 4 ha

PREVIOUS APPLICATIONS:

Application #25499-0

Applicant: Torchbearers of the Capernwray Missionary Fellowship
Decision Date: April 18, 1991
Proposal: To subdivide a small triangular parcel that is split from the remainder of the 38.2 ha parent parcel by a road.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #31314-0

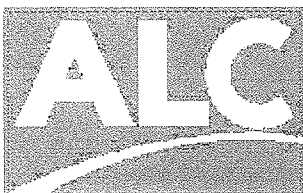
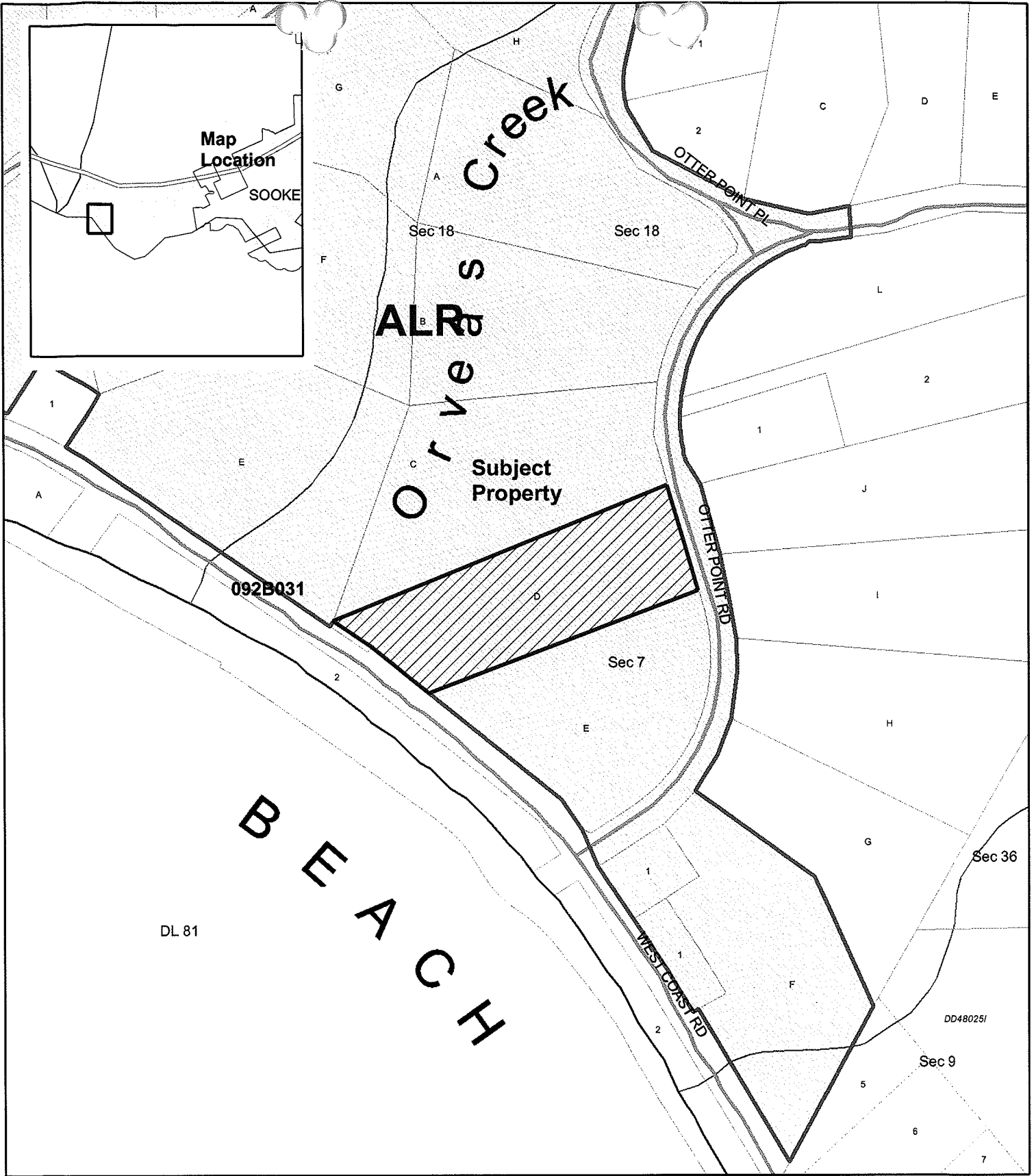
Applicant: Joseph & Linda Niedzielski
Decision Date: April 24, 1997
Proposal: To subdivide property into lots of roughly 2.0 ha and 1.8 ha in order to provide a separate lot and title for family purposes.
Decision: Refused on the grounds that subdivision would limit and reduce the agricultural potential of the property and raise expectations for subdivision of other ALR properties within the region. Reconsideration refused.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Capital Regional District Board: Recommend refusal.

Capital Regional District Land Use Committee: Recommend refusal. Although the proposed new lot is in a low area that could require drainage to make it farmable, there is no reason why it could not be improved as it now stands, without subdivision. Such subdivisions result in fragmentation of the limited amount of ALR land in the area. There are a number of other properties in the area the same size and this could lead to increased development activity in the area.

Capital Regional District Electoral Area Planning Services: Recommend approval. However, comments included that the subdivision may, in the long-term, reduce the farming potential in the area as it might encourage adjacent landowners to also apply to subdivide or over time if a non-relative buys the lots this could result in fragmenting the farm overall.



ALC Context Map

Map Scale: 1:5,000



ALC File#:	21-06-36856
Map Sheet #:	92B.031
Regional District:	Capital
Airphoto:	TRIM 2 Ortho Mosaic