



Agricultural Land Commission
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May 17, 2007

Reply to the attention of Terra Kaethler
ALC File: J-37307

Norbert and Geraldine Ball
1209 Cherry Point Road
Cowichan Bay, BC V0R1N2

Dear Mr. and Mrs. Ball:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 211/2007 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, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (3-D-06ALR)

Enclosure: Minutes

TK/eg/37307d1.doc

has sufficient capability for agriculture. The Commission considered that dividing a property of this size into two smaller parcels would decrease the agricultural capability of the property.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Aside from the residential parcels fronting Cherry Point Rd, the property is surrounded by agricultural and park uses. The Commission does not believe there are external factors that render the land unsuitable for agricultural use and considered that encouraging subdivision in this area may lead to an increase in residential development.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that creating an additional small lot in this area could be detrimental to agriculture in the area. Therefore, the Commission considered the proposal would negatively impact existing or potential agricultural use of the property and surrounding lands.

Assessment of Other Factors

While the Commission was sympathetic to the family situation behind the application, it cannot consider this as a reason to subdivide land within the ALR.

Conclusions

1. That the land under application has some agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Rugg

SECONDED BY: Commissioner Seitz

THAT the application be refused.

CARRIED

Resolution # 211/2007



Staff Report
Application # J – 37307
Applicant: Norbert and Geraldine Ball

DATE RECEIVED: March 23, 2007

DATE PREPARED: April 16, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide a 0.3 ha parcel from the 1.2 ha subject property, to provide a residence for the applicant's son and family.

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

BACKGROUND INFORMATION:

Local Government:

Cowichan Valley Regional District

Legal Description of Property:

PID: 002-761-602
Lot 1, Section 2, Range 7, Cowichan District, Plan 26395

Purchase Date:

July 8, 1975

Location of Property:

1209 Cherry Point Road, Cowichan Bay

Size of Property:

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

Present use of the Property:

Residence, garage and pumphouse

BACKGROUND INFORMATION CONTINUED:

Surrounding Land Uses:

WEST: Residential
SOUTH: Residential
EAST: Residential
NORTH: Residential/Farm

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.073
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Cowichan Bay OCP
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1015
Designation: A-1 (Primary Agricultural)
Minimum Lot Size: 12 ha

RELEVANT APPLICATIONS:

Application #35338-0

Applicant: Gunn, Dacie & Laura
Decision Date: June 10, 2004
Proposal: A homesite severance subdivision of 1 ha surrounding the existing dwelling. The applicants plan on retiring and leaving the balance of the property to their four children.
Decision: Allow as requested. Applicants would be entitled to consideration under the HSS policy.

Application #34503-0 (across road from subject property)

Applicant: McGowan, Leslie & Heather
Decision Date: September 23, 2002
Proposal: To subdivide a 0.6 ha area from the 2.9 ha parcel and to sell the 0.6 ha area to the neighbour who would then consolidate the area with the existing 1.2 ha lot. This is a boundary line adjustment.
Decision: Allow as requested.

Application #12273-0 (adjacent to subject property, to left)

Applicant: Sperling, Peter & Heidi
Decision Date: May 20, 1981
Proposal: To subdivide the 4.3 ha parcel into 3 equally-sized lots
Decision: Refused

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Cowichan Valley Regional District Board: Forwarded without comment or recommendation. Three Directors opposed the motion.

Advisory Planning Commission: Recommends the application not be approved.

Local Government Staff: Forwarded without comment or recommendation.

ATTACHMENTS:

- CVRD Staff Report (Pages 3-4)
- Site Plan
- ALC Map 1:20,000
- ALC Map 1:50,000
- Airphoto Map
- Agricultural Capability Map

END OF REPORT


Signature


Date