



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

June 19, 2007

Reply to the attention of Terra Kaethler
ALC File: #J - 37367

Leanne Sanford
2095 Furn Road
Nanaimo, BC V9X 1J5

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 294/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (#5-H-06ALR)

Enclosure: Minutes/Sketch Plan

TK/iv/37367d1.

Assessment of Impact on Agriculture

The Commission discussed that the proposed subdivision was larger in area than what is generally deemed appropriate to ensure the agricultural capability of the remainder property. However, the Commission found that given the natural barriers of the subject property, the proposed subdivision would have minimal impact. Therefore, the Commission does not believe the proposal would impact existing or potential agricultural use of the current property or surrounding lands.

Conclusions

1. That the portion of the proposed subdivision has limited agricultural capability
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Seitz

SECONDED BY: Commissioner Rugg

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 294/2007



Staff Report
Application # J – 37367
Applicant: Audrey Taylor
Agent: Leanne Sanford

DATE RECEIVED: April 20, 2007

DATE PREPARED: May 24, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide the 12.72 ha subject property to create a 2.0 ha parcel for a family member.

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: 000-156-434
Lot 3, District Lot 9, Oyster District, Plan 7712

Purchase Date:

01/01/1963

Location of Property:

13328 Cedar Road, Ladysmith

Size of Property:

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

Present use of the Property:

Residence, barn, three sheds. Used for farming cattle until 2004.

BACKGROUND INFORMATION (Cont.):

Surrounding Land Uses:

WEST: Hobby Farm
SOUTH: Hobby Farm
EAST: Residential
NORTH: Industrial

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G001
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

North Oyster Diamond OCO, Bylaw No. 1497
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1020
Designation: A-1
Minimum Lot Size: 12 ha

PREVIOUS APPLICATIONS: N/A

RELEVANT APPLICATIONS:

Application #37126-0

Applicant: Shephard, George
Decision Date: March 15, 2007
Proposal: To construct a second single-family residential dwelling on an unfarmed portion of the 4.8 ha subject property for the applicant's son.
Decision: Allowed.

Application #13628-0

Applicant: Hooper, Norman & Pamela
Decision Date: 12/15/1981
Proposal: To subdivide a 4 ha lot into 2 lots of 2 ha each.
Decision: Refused on the grounds of high agricultural capability of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

CVRD Board of Directors: That the application be forwarded to the ALC for their consideration.

Local Government Staff: That the application be forwarded to the ALC for their consideration.

Advisory Planning Commission:

On February 17, 2007, the APC met with the applicant and conducted a site visit. At the site, the APC felt that the proposed subdivision would break up the farm as a whole and asked them to resubmit another location for the subdivision, to which the applicant agreed. On March 8, 2007, the APC moved a motion stating they had no objection to the amended application. One person was opposed.

STAFF COMMENTS:

Staff recommend that the Commission consider the following:

- As the applicant has owned the property since 1963, she would appear to qualify for a homesite severance under the *Homesite Severance Policy*. Generally, this would be for a minimum-sized lot around the existing homesite for the owner of the property.
- The proposal is for a 2 ha lot for the applicant's granddaughter (also agent). The agent has stated that they would help the applicant with the upkeep of the property.
- The majority of the property has a soil capability rating of Class 2 or Class 3 (improved), with some areas of Class 4 and Class 6. It would appear that the majority of the proposed subdivision is in an area of Class 2 land.
- A site visit may help to determine if the proposed subdivision can be considered with respect to the *Homesite Severance Policy* and to determine the impact of the proposed subdivision on the agricultural capability of the remainder of the property.

ATTACHMENTS:

- Appendix F-Site Plan
- ALC Map Sheet 92G/4, 1:50,000
- ALC Aerial Photo. 1:10,000
- ALC Agricultural Capability Map 92G001

END OF REPORT

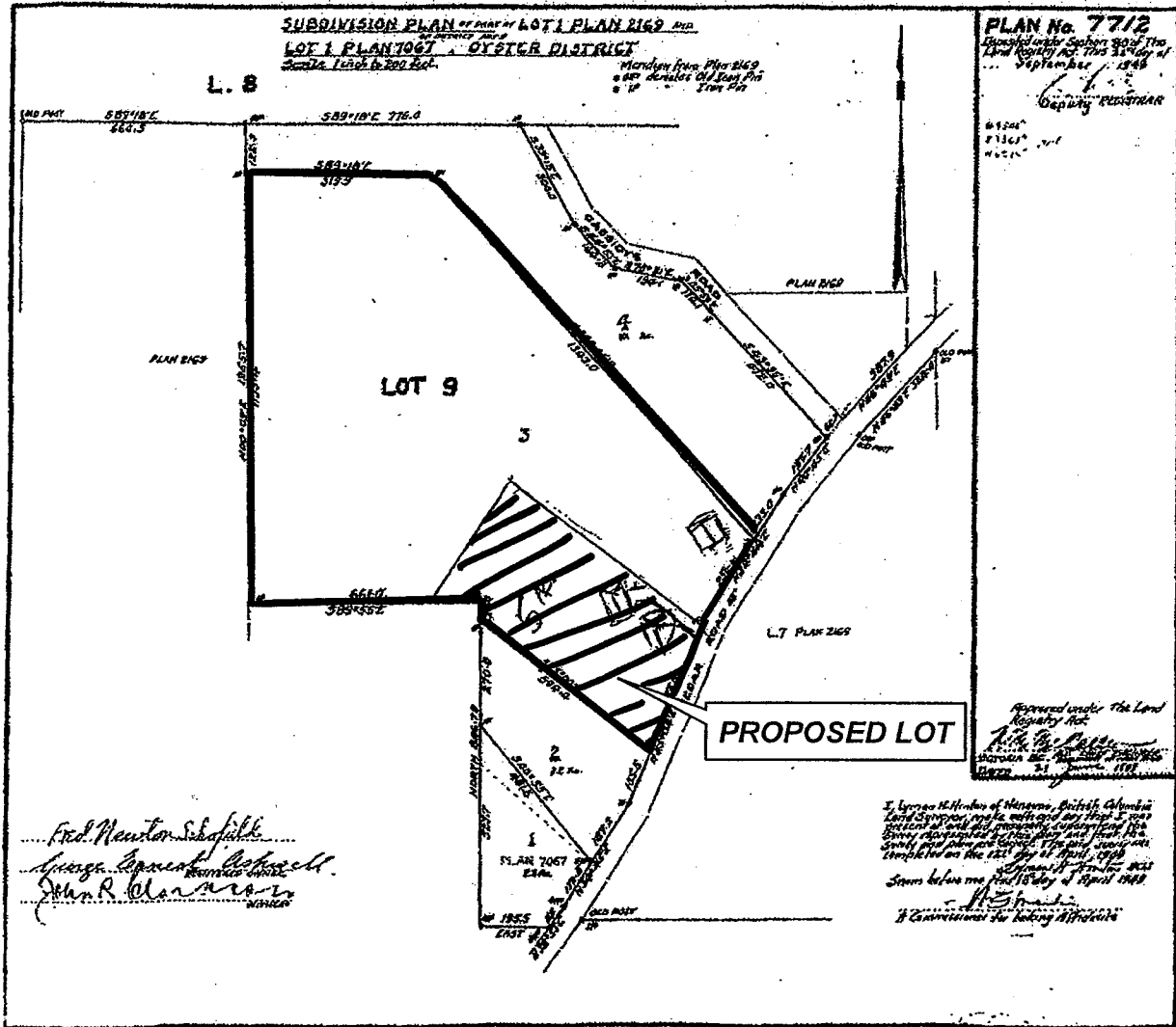


Signature



Date

APPENDIX F - Site Plan



Provincial Agricultural Land Commission
 Application # 37367
 Resolution #294/2007



Subject property



2 ha lot approved for subdivision