



Staff Report
Application # J – 37573
Applicant: Audrey and John Funk
Agent: Focus Corporation Ltd

DATE RECEIVED: July 3, 2007

DATE PREPARED: August 17, 2007

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 1 ha lot from the 13.7 ha subject property.

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

BACKGROUND INFORMATION:

The applicant has noted that the proposed subdivision would not increase the number of dwellings on the property as there are already two dwellings. The applicant is prepared to register a covenant restricting additional residences on either parcel.

Local Government:

The Corporation of the District of North Cowichan

Legal Description of Property:

PID: 002-743-931

Lot 1, Section 16 & 17, Range 5, Somenos District, Plan 26224

Purchase Date:

June 1989

Location of Property:

7026 and 7028 Westhome Road, Duncan

Size of Property:

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

Present use of the Property:

Two residential houses, outbuildings, cattle, sheep and haying

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Highway 1
SOUTH: Residential and small farm and adjacent commercial car lot on Highway
EAST: Residential and small farm
NORTH: Highway 1

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B.082
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

District of North Cowichan OCP
Designation: N/A

Zoning Bylaw and Designation:

District of North Cowichan Zoning Bylaw
Designation: Agricultural Zone (A1)
Minimum Lot Size: 12 ha

PREVIOUS APPLICATIONS:

Application #74-0134-0

Applicant: A & F Doerges
Decision Date: July 24, 1975
Proposal: To subdivide a 0.8 ha lot containing the homesite as the applicants are retiring from their farming operation, which their son will continue. The applicant has advised that a leasehold by explanatory plan for life tenure would be acceptable.
Decision: Allowed for a leasehold by explanatory plan for life tenure.

Application #28162-0

Applicant: J. & A. Funk
Decision Date: February 1, 1994
Proposal: To construct a second dwelling on the 13.2 ha subject property.
Decision: The original application to place a second permanent dwelling on the property to replace a recently demolished, uninhabited 100 year old residence was refused on the grounds that a second permanent dwelling on this lot was unwarranted given the size of the agricultural operation contained therein.
Reconsideration - allowed subject to the rescinding of the leasehold approval (Resolution #1163/75, application #114-74-134) and the use of the existing dwelling be restricted to non-permanent guest accommodation once the present occupants (the Doerges) are no longer resident.

RELEVANT APPLICATIONS:

Application #36400-0

Applicant: Robert & Virginia Norcross
Decision Date: January 4, 2006
Proposal: To subdivide the 6.4 ha property into one 2.4 ha lot and one 4.0 ha lot in order to provide a homesite for their son.
Decision: Allowed on the grounds that the property is very steep and its agricultural potential would not be compromised by the subdivision.

RELEVANT APPLICATIONS (continued):

Application #37242-0

Applicant: Thore and Valerie Thorsen
Decision Date: March 15, 2007
Proposal: Subdivision for a Relative: To subdivide a 2.3 ha into two (2) lots one at 0.81 ha and one at 1.49 ha to create a lot for applicants daughter.
Decision: Refused.

Application #37243-0

Applicant: Reinhold Gerz
Decision Date: April 26, 2007
Proposal: Subdivision for a Relative: To subdivide the 12.6 ha lot to create a 2.8 ha lot for applicant's son.
Decision: Refused.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

District of North Cowichan Council: Forwarded the application with a recommendation that the application not be approved as it fragments farmland.

Agricultural Advisory Committee: Recommended that the application be denied and not forwarded to the ALC. The Committee challenged the necessity for the subdivision noting that:
- subdivision inevitably compromises agricultural capability.
- other mechanisms should be explored to enable family members to participate in the farm.

Planning Staff: Recommended that the application not be supported but that it be forwarded to the ALC for review and consideration.

Technical Planning Committee: Recommended that Council forward the application to the ALC with a recommendation that the application not be approved as it fragments farmland.

ATTACHMENTS:

- Context Map (1:50,000)
- Provincial Orthophoto (1:5,000)
- Plan of proposed subdivision
- Addendum to application
- North Cowichan Report

* Madrone Report 2007

• Ag Cap Map
END OF REPORT



Signature

Aug 17, 07

Date