



**Staff Report**  
**Application # A – 37604**  
**Applicant: Asia Pacific Investors Ltd**  
**Agent: Jim McManus**

**DATE RECEIVED:** August 13, 2007

**DATE PREPARED:** November 16, 2007

**TO:** Chair and Commissioners – Island Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide the 24.1 ha subject property to create a 0.9 ha lot and a remainder lot of 23.2 ha. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Alberni-Clayoquot

**Legal Description of Property:**

PID: 000-637-700

District Lot 93, Alberni District, Except those parts in Plans 8352, 14931, 17566, 21766, 23163, 24276, 25372, 25716, 25984, 26034, 27886, 30363

**Purchase Date:**

January 1984

**Location of Property:**

5777 Cherry Creek Road

**Size of Property:**

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

**Present use of the Property:**

Part overgrown pasture, part scrub/bush and part second growth

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Cherry Creek and residential  
**EAST:** Farming operation  
**NORTH:** Residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.027(digital)  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Cherry Creek OCP  
Designation: Agricultural Use

**Zoning Bylaw and Designation:**

Alberni Clayoquot Regional District Zoning Bylaw No 15 (1971)  
Designation: Rural (A2) District  
Minimum Lot Size: A2 - 2.0 ha

**PREVIOUS APPLICATIONS:**

**This property used to be part of the subject property (northwest corner)**

**Application #00263-0**

**Applicant:** Cormack  
**Decision Date:** December 23, 1974  
**Proposal:** To subdivide a 0.4 ha lot from the subject property.  
**Decision:** Allowed.

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**Application #05399-0**

**Applicant:** ARD Holdings Ltd  
**Decision Date:** December 28, 1977  
**Proposal:** To exclude the subject property.  
**Decision:** Refused due to high agricultural capability.

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**Application #07092-0**

**Applicant:** A.R.D. Holdings Ltd.  
**Decision Date:** August 22, 1979  
**Proposal:** To place a combination dwelling and pub development on the east side of Cherry Road.  
**Decision:** Refused, no commercial development is to take place on the east side of the road. However, the Commission indicated that it would allow a single family dwelling on any portion of the property and the proposal for the pub may only be developed on the west side of Cherry Road.

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**Application #13687-0**

**Applicant:** A.R.D. Holdings Ltd.  
**Decision Date:** January 20, 1982  
**Proposal:** To subdivide the 24.7 ha subject property into one 7.3 ha lot and one 17.4 ha lot.  
**Decision:** Refused due to soil capability and that the property could support a wide range of crops.

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**Application #15744-0**

**Applicant:** A.R.D. Holdings Ltd.  
**Decision Date:** January 13, 1983.  
**Proposal:** To place a neighborhood pub on the east side of Cherry Creek Road .  
**Decision:** Refused due to agricultural capability and agreement with past Commission decisions.

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**Application #16890-0**

**Applicant:** Giroto, Antonio  
**Decision Date:** September 12, 1983.  
**Proposal:** To subdivide the subject property into one lot of 7.3 ha and one lot of 17.4 ha along Cherry Creek Road.  
**Decision:** Refused due to agricultural capability and the belief that the road did not constitute a serious barrier to the property being farmed as one agricultural unit.

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**Application #26273-0**

**Applicant:** Asia Pacific Investors Ltd  
**Decision Date:** March 25, 1992.  
**Proposal:** To exclude the 18.2 ha area lying west of Cherry Creek Road to facilitate either a conventional residential subdivision or the development of a retirement facility.  
**Decision:** Refused due to good agricultural potential.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

- There have been numerous applications for subdivision, exclusion and non farm use on the subject property, most of which have been refused due to good agricultural capability.
- A site visit will help to better understand the application proposal.

**ATTACHMENTS:**

1. ALC Context Map
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketch of proposal
5. Report from Agent (3 pages)
6. Local Government Report (5 pages)
7. Letter from Professional Agrologist regarding subject property for a previous application (4 pages) (# 05399)
8. Decision Letter # 26273 (1992)

**END OF REPORT**

  
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Signature

11/20/07  
\_\_\_\_\_  
Date