



Agricultural Land Commission
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November 21, 2007

Reply to the attention of Terra Kaethler
ALC File: J-37618

Stephen and Vanessa Cullimore
3910 Lefran Road
Cobble Hill, BC V0R1L4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

The Provincial Agricultural Land Commission wishes to thank you for meeting with them on October 10, 2007. The Commissioners found the site visit informative.

Please find attached the Minutes of Resolution # 548/2007 outlining the Commission's decision as it relates to the above noted application.

Please be advised that the Commission has approved your subdivision as proposed, subject to the new parcel being accessed from McAlpine Rd, and the registration of a covenant to maintain a fence and vegetative buffer on the northern property line, and to prohibit construction of a house on the on the northern 2/3 of the property.

Please send two (2) paper prints of the final survey plans and the draft covenants to this office. The Commission suggests you have a lawyer draft the proposed covenants for submission to this office. The Commission will review the documents and if acceptable will direct you to have the final documents prepared in registerable form for execution. Please provide a buffering plan as well for the Commission's review.

When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan and covenants.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (1-C-07ALR)

Enclosure: Minutes/Sketch Plan

TK/37618d1.doc



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 11, 2007 in Shawnigan Lake, B.C.

PRESENT:	Erik Karlsen	Chair
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # J- 37618
Applicant: Stephen and Vanessa Cullimore
Proposal: Subdivision for a Relative: To subdivide the 6.0 ha subject property to provide a 2.0 ha lot for a relative.
Legal: PID: 002-754-410
Location: Lot 1, Section 16, Range 8 and 9, Shawnigan District, Plan 26371
3910 LeFran Road, Cobble Hill

Site Inspection

A site inspection was conducted on October 10, 2007. Those in attendance were:

- Erik Karlsen Chair
- David Craven Commissioner
- Donald Rugg Commissioner
- Terra Kaethler Staff
- Stephen Cullimore Applicant

The Commission met with the applicant and walked the property. The Commission noted that the property was on a rocky knoll and that a significant ravine created a barrier to the adjacent farm property. The area proposed for subdivision was forested and sloped. The applicant informed the Commission that the subdivision was for his daughter.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI),

'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the majority of the subject property is identified as:

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission considered that the property had minimal capability for agriculture.

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 did not believe that the proposed subdivision would impact the property due to its low agricultural capability.

However, the Commission recognized that the property was adjacent to a working farm to the North and provided a buffer from the small non-ALR residential properties to the South. The Commission discussed that buffering and appropriate location of the new house would ensure that the subdivision would not negatively impact surrounding ALR properties. Further, the Commission discussed that access to the new lot from McAlpine Road would further limit impact on agriculture.

IT WAS

MOVED BY: Commissioner Rugg

SECONDED BY: Commissioner Karlsen

THAT the application be approved;

AND THAT the approval is subject to the following conditions:



- That the subdivision be in substantial compliance with the plan submitted with the application.
- That a fence be constructed and a 15 meter vegetative buffer be established along the northern property line.
- That a covenant be registered to require the maintenance of the fence and vegetative buffer.
- That a covenant be registered prohibiting construction of a house on the northern 2/3 of the property.
- That access to the new lot be from McAlpine Road.
- The subdivision must be completed within three (3) years from the date of this decision.

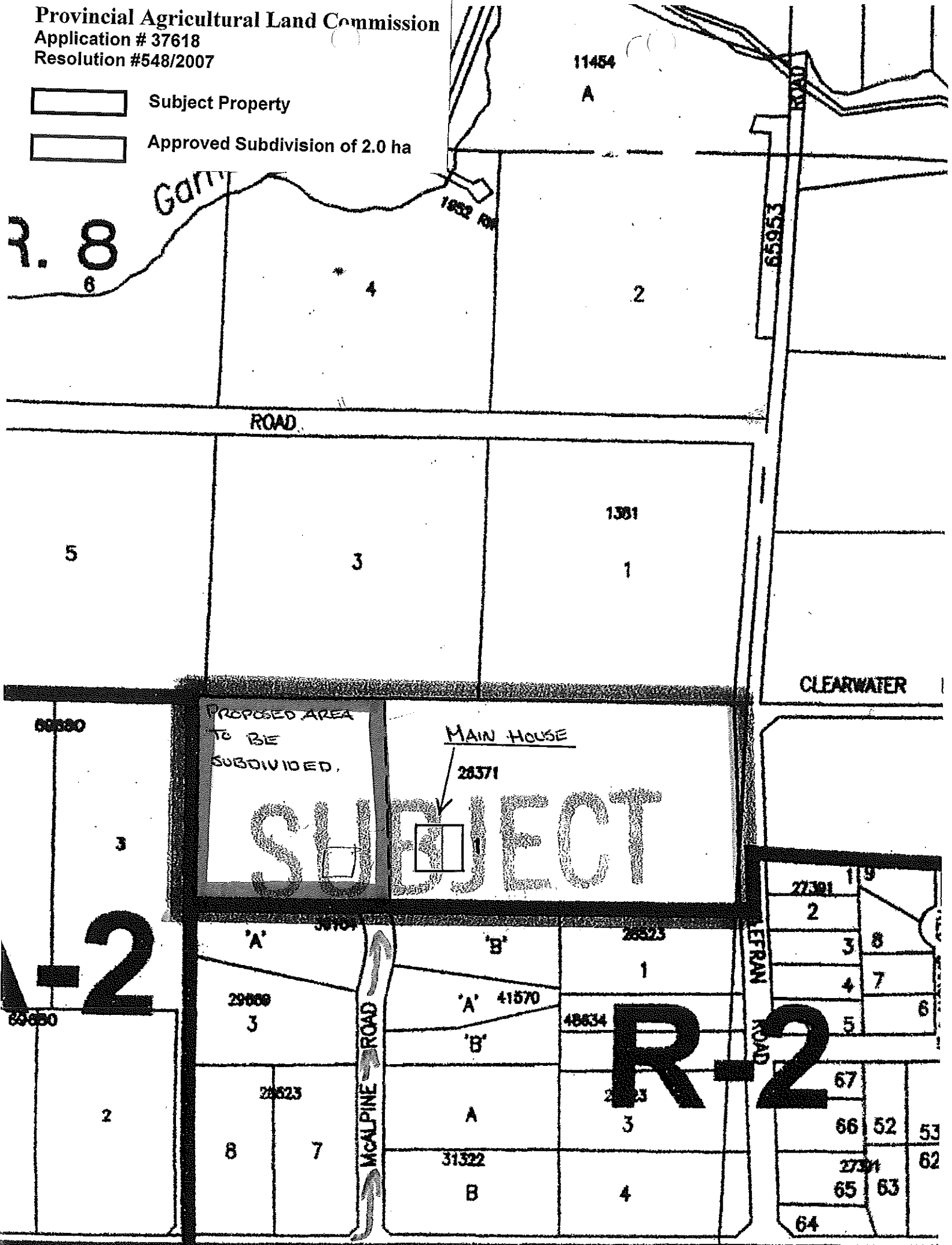
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 548/2007

Provincial Agricultural Land Commission
 Application # 37618
 Resolution #548/2007

-  Subject Property
-  Approved Subdivision of 2.0 ha



PROPOSED AREA
 TO BE
 SUBDIVIDED.

MAIN HOUSE
 26571

SUBJECT

2

R-2

27391	119
2	
3	8
4	7
5	6
67	
66	52
65	63
64	