



**Staff Report**  
**Application # J – 37618**  
**Applicant: Stephen and Vanessa Cullimore**

**DATE RECEIVED:** August 16, 2007

**DATE PREPARED:** September 27, 2007

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

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** Subdivision for a Relative: To subdivide the 6.0 ha subject property to provide a 2.0 ha lot for a relative.

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: 002-754-410

Lot 1, Section 16, Range 8 and 9, Shawnigan District, Plan 26371

**Purchase Date:**

2001-12-01

**Location of Property:**

3910 LeFran Road, Cobble Hill

**Size of Property:**

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

**Present use of the Property:**

Single family home with a detached workshop with secondary suite

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Residential  
**EAST:** Residential  
**NORTH:** Dairy Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B.073  
The majority of the property is identified as having Secondary ratings. The improvable ratings are identified as 8% Class 3, 16% Class 4, 46% Class 5, and 30% Class 7. Limitations include topography, stoniness, and soil moisture deficiency.

**Official Community Plan and Designation:**

Cobble Hill OCP Bylaw No. 1210  
Designation: Agriculture

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 1405  
Designation: a-1 (Primary Agricultural)  
Minimum Lot Size: 12 ha

**PREVIOUS APPLICATIONS:**

**Application #35658-0**

**Applicant:** Cullimore, Stephen and Vanessa  
**Decision Date:** December 01, 2004  
**Proposal:** Stephen and Vanessa Cullimore are requesting exclusion of their 6.1 ha property in order to facilitate the construction of a secondary residence in the upper floor of a newly constructed barn.  
**Decision:** Refuse exclusion but would allow second dwelling (loft above barn) within the ALR.

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**RELEVANT APPLICATIONS:**

**Application #29823-0 (Adjacent to North)**

**Applicant:** Wikkerink, J.H.  
**Decision Date:** September 12, 1995  
**Proposal:** To extract 60,000 cubic metres of gravel from the hillside next to the existing farm buildings. Area is to be used as a future building site for farm buildings.  
**Decision:** The Commission allowed the proposal subject to standard conditions for gravel extraction.

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**Application #34629-0**

**Applicant:** Norton, Patrick & Bonnie  
**Decision Date:** October 13, 2005  
**Proposal:** Gravel Extraction  
**Decision:** Approved, subject to conditions and bond

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Cowichan Valley Regional District Board:**

The Regional Board forwarded the application with a recommendation to deny the application.

**Advisory Planning Commission:**

That the application not be recommended. The APC noted that although the size of the subdivision was not inconsistent to the area, the property does act as a buffer to an active agricultural operation. "(T)he subdivision request is not in keeping with the nature of the community and with the stated objectives of the OCP".

**Local Government Staff:**

Recommend forwarding the application with a recommendation to deny the application.

**STAFF COMMENTS:**

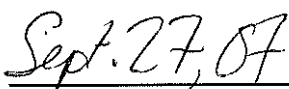
- A secondary suite above a new barn was approved by the Commission in 2004. It appears that both residences will be retained on the remainder lot.
- A covenant was registered on the property in 2006 to prohibit the subdivision of this lot in accordance with the zoning bylaw, which does not allow parcels with two or more dwellings to be subdivided or stratified. Further, the proposed subdivision does not meet the minimum parcel size. However, the application is for a subdivision for a relative, and therefore qualifies under the provisions of Sect. 946 of the *Local Government Act*.
- The property appears to have minimal agricultural capability. A site visit may help to determine the impact of the proposal on the surrounding properties, particularly the farm property to the North. Should the Commission be inclined to approve the application, the condition of a buffer may be appropriate.

**ATTACHMENTS:**

- ALC Context Map
- Aerial Photo
- Agricultural Capability Map
- Sketch of proposal
- CVRD Staff Report (p.3-4)

**END OF REPORT**

  
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Signature

  
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Date