



**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

Reply to the attention of Terra Kaethler  
ALC File: J-37620

November 8, 2007

Arturo and Yanina Mendenhall  
4921 Marshall Road  
Duncan, BC V9L6T3

Dear Sir/ Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 551/2007 outlining the Commission's decision as it relates to the above noted application.

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:

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

Erik Karlsen, Chair

cc: Cowichan Valley Regional District (3-E-06ALR)

Enclosure: Minutes/Sketch Plan

TK/37620d1.doc



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

<b>PRESENT:</b>	Erik Karlsen	Chair
	David Craven	Commissioner
	Donald Rugg	Commissioner
	Terra Kaethler	Staff

### For Consideration

Application: # J- 37620  
Applicant: Arturo and Yanina Mendenhall  
Proposal: To adjust the boundaries between the two properties in order to increase the smaller one from 0.4 ha to 1.6 ha and reduce the larger property from 8.0 ha to 6.8 ha.  
Legal: PID: 005-352-959  
Lot 1, Section 9, Range 3, Quamichan District, Plan 9569, EXCEPT Part in Plan VIP78949  
Location: 4921 Marshall Road, Duncan

### 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
- Arturo Mendenhall Applicant

The Commission met with the applicant and walked the property. The Commission viewed the area proposed for the new lot, which is currently used as a gravel pit. The Commission noted that the property had some areas of steep topography.

### 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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The proposed location of the new parcel is currently used for gravel extraction, as approved by the Commission in 2003. The Commission also discussed that the configuration of the current 0.4 ha lot rendered the parcel unusable. The

Commission believed that approval of the lot line adjustment as proposed would create a more usable lot, and would not diminish the agricultural potential of the remainder of the property. Further, the Commission did not believe that the creation of the proposed lot would negatively affect agriculture in the area.

At the site visit, the Regional District's zoning requirement that a subject property not be diminished by more than 20% was discussed. The Commission noted that a subdivision at the existing easement would seem more appropriate given the physical constraints of the property, and would create two parcels of approximately 4.0 ha each. However, in light of the Regional District's zoning requirements, that Commission believed that the subdivision as proposed was acceptable.

### **Conclusions**

1. That the proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Craven

**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 # 551/2007**

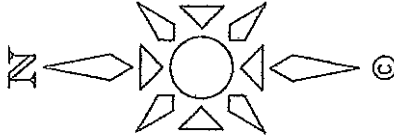
PLAN OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN  
 REMAINDER LOT 1, SECTION 9, RANGE 3; PLAN 9569  
 AND THAT PART OF SECTION 9, RANGE 3, SHOWN ON  
 PLAN 627 RW, ALL WITHIN QUAMICHAN DISTRICT.

Scale = 1:2750

LEGEND

All distances are in metres.

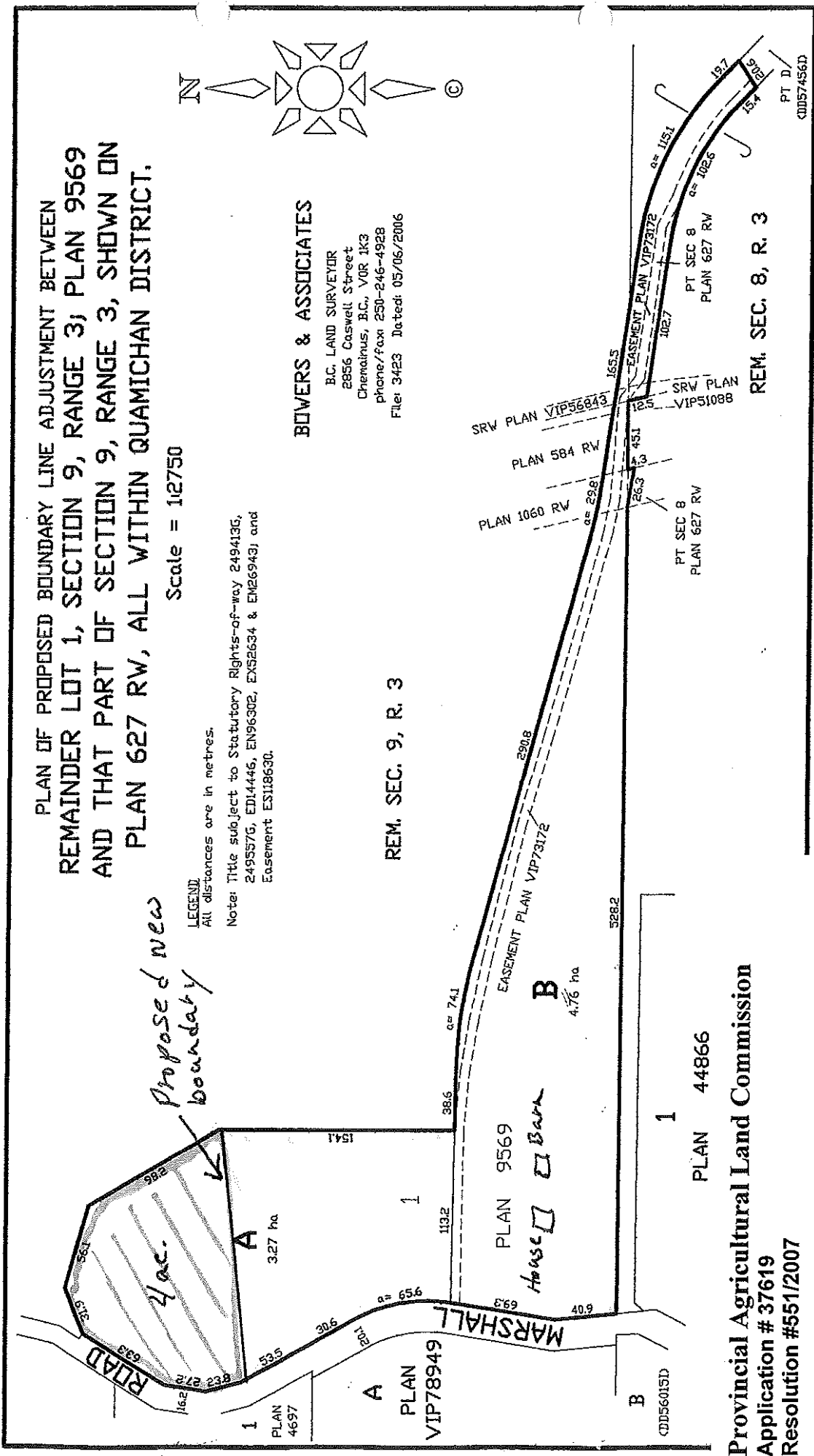
Note: This subject to Statutory Rights-of-way 2494136,  
 2495376, ED14446, EN96302, EX52634 & EM26943, and  
 Easement ES118630.



**BOWERS & ASSOCIATES**

B.C. LAND SURVEYOR  
 2856 Caswell Street  
 Chemainus, B.C. V0R 1K3  
 phone/fax: 250-246-4928  
 Filer: 3423 Date: 05/06/2006

REM. SEC. 9, R. 3



Provincial Agricultural Land Commission  
 Application # 37619  
 Resolution #551/2007

-  Subject Property
-  Approved parcel of 1.6 ha
-  Approved remainder of 6.8 ha