



**Staff Report**  
**Application # J – 37620**  
**Applicant: Arturo and Yanina Mendenhall**

**DATE RECEIVED:** August 16, 2007

**DATE PREPARED:** September 26, 2007

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

**FROM:** Simone Rivers, Land Use Planner

**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 the larger property would be reduced from 8 ha down to 6.8 ha

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: 005-352-959

Lot 1, Section 9, Range 3, Quamichan District, Plan 9569, EXCEPT Part in Plan VIP78949

**Purchase Date:**

2005

**Location of Property:**

4921 Marshall Road, Duncan

**Size of Property:**

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

**Present use of the Property:**

Residence, and treed

**Surrounding Land Uses:**

**WEST:** Residential Acreages  
**SOUTH:** Hobby Farm and Vineyard  
**EAST:** Forested  
**NORTH:** Hay Fields and Vineyard

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92B.072  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

Cowichan-Koksilah Electoral Area "E" and part of "F" OCP  
Designation: Agricultural

**Zoning Bylaw and Designation:**

Zoning: Bylaw No. 1840  
Designation: A-1 (Primary Agricultural)  
Minimum Lot Size: 12 ha

**PREVIOUS APPLICATIONS:**

**Application #33038-0**

**Applicant:** Orosi Land Co. Ltd.  
**Decision Date:** January 24, 2000  
**Proposal:** To remove 170,000 m<sup>3</sup> of gravel up to a maximum depth of 12 m.  
**Decision:** The Commission approved the proposal in principle pending receipt of a report from an appropriately qualified soils specialist agrologist.

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**Application #00742-0**

**Applicant:** Stronach, Alex & Ithunn  
**Decision Date:** March 5, 1976  
**Proposal:** To realign the lot boundaries so as to provide road access to all three parcels  
**Decision:** Refused on the grounds that much of the property has high capability for agricultural use. It was felt that the existing arrangement of parcels better protected the long range options for agricultural use than the proposed realigned parcels.

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**Application #34638-0**

**Applicant:** Orosi Land Co. Ltd.  
**Decision Date:** January 23, 2007  
**Proposal:** Notice of Intent to Remove Gravel  
**Decision:** CEO set terms and conditions.

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**Application #35308-0**

**Applicant:** Orosi Land Co. Ltd.  
**Decision Date:** June 10, 2004  
**Proposal:** Orosi Land Co. is requesting permission to subdivide a 0.6 ha lot from the existing 8.4 ha property. The proposed lot is a portion of the parent parcel which lies across Marshall road from the balance of the property. The applicant states that the proposed lot area has never been farmed and this portion of the subject property would be of no use to any farming operation on the larger portion.  
**Decision:** Allowed as requested - no impact on agriculture

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Cowichan Valley Regional District Board:** The Regional Board forwarded the application with a recommendation that the Agricultural Land Commission review and provide advice to the applicant on the desired lot configuration in order to achieve maximum agricultural capability but that any revisions comply with the requirements of Bylaw No. 1840.

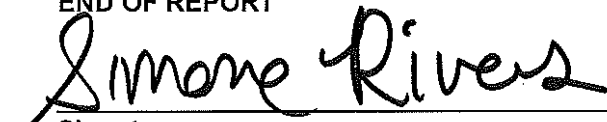
**STAFF COMMENTS:**


Staff recommend a site visit to determine if any benefit to agriculture would be derived from the proposed boundary adjustment.

**ATTACHMENTS:**

- Description of proposal submitted by the applicants.
- Sketched of current and proposed property configurations.
- Staff Report: Electoral Area Services Committee Meeting - August 7, 2007 - Planning Division Comments.
- ALC Context Map - 92B.072 - 1:20,000 (created by ALC Staff)
- Airphoto - 1:5,000 (created by ALC Staff)

END OF REPORT

  
Signature

  
Date