



# Provincial Agricultural Land Commission - Staff Report

## Application: 51955

**Applicant:** Gerry & Regan Tuppert  
**Local Government:** Municipality of North Cowichan

**Proposal:** SUBDIVISION - to subdivide a 1ha parcel from the 2.4 ha A3 zoned parcel within the ALR to create one fee simple lot

### BACKGROUND INFORMATION

To resubmit from a previous application (# 31434) in order to create a fee simple lot to be used as a home-site for applicant's aging mother using the same plan denied by the ALC in 1997

### PROPERTY INFORMATION

**PID:** 000-199-052  
**Legal Description:** Lot A Section 10 Range 2 Comiakem District Plan 40572, Except Part in Plan VIP59350  
**Property Area:** 2.4 ha  
**ALR Area:** 2.4 ha  
**Purchase Date:** July 18, 1994  
**Location:** 7093 Rice Road, Duncan  
**Owner:** Gerry & Regan Tuppert

### LAND USE

**Current Land Use:**  
 Residential and storage of business equipment

**Surrounding Land Uses:**

North: Residence in ALR with non-ALR beyond  
 East: Residence in ALR with non-ALR beyond  
 South: Residence, cleared Hyrdo R/w, cleared active farm fields beyond, in ALR  
 West: Residence, mixture of cleared land and forested land in ALR

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 2.4 ha

Number of Lots	ALR Area of Lot (ha)
1	1.4
1	1.0

**Agricultural Capability:**

The majority of the area under application is rated as: Prime Dominant

**Source:** On-Site

**Mapsheet:** 92b.082

### PREVIOUS APPLICATIONS

## PREVIOUS APPLICATIONS

**Application ID:** 8615

**Legacy #:** 15368

**Applicant:** Gerry & Regan Tuppert

**Proposal:** The Commission (by Resolution #1962/82) refused subdivision of this 3.3 ha parcel into one lot of 2.5 ha and one lot of 0.8 ha. Upon reconsideration, the Commission had the local District Agriculturist conduct an inspection of the property. It was repor

**Decision:**

Resolution #	Decision Date	Decision Description
199/1983	February 9, 1983	The application was allowed upon reconsideration.

**Note:** Refused - reconsidered and allowed

**Application ID:** 8614

**Legacy #:** 12320

**Applicant:** Margaret A. Ryzak

**Proposal:** To subdivide off 0.8 ha from the 1.98 ha subject property for the applicant's daughter and son-in-law.

**Decision:**

Resolution #	Decision Date	Decision Description
888/1981	May 20, 1981	The application was refused on the grounds that the Commission is opposed to further reduction of parcel size of land that has the potential for future agricultural use. The Commission was willing to allow the construction of a second dwelling for the daughter.

**Note:** Refused

**Application ID:** 8458

**Legacy #:** 31434

**Applicant:** Gerry & Regan Tuppert

**Proposal:** To subdivide roughly 1 hectare off the subject property to provide a separate parcel and dwelling for the applicant's mother.

**Decision:**

Resolution #	Decision Date	Decision Description
403/1997	July 23, 1997	Not in ATS

**Application ID:** 240

**Legacy #:** 27920

**Applicant:** J KELLER

**Note:** Exclusion - refused

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Designation:** Rural

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Rural restricted

**Zoning Designation:** A-3

**Minimum Lot Size:** 0.8 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Agricultural Advisory Committee**

recommend refusal

#### **Board/Council**

Forwarded with recommendation to refuse.

## **ALC STAFF COMMENTS**

The applicants have already created a separate lot (see previous applications) and a report from an agrologist states that the remaining subject property is 60% improvable to class 3 with 40% as class 4. This is already a small property and subdivision may fatally compromise any future ability for the land to be used for agriculture.

## **END OF REPORT**

**Prepared by:** Gordon Bednard