



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 21, 2014**

SUBJECT **APPLICATION TO SUBDIVIDE LAND LOCATED WITHIN THE AGRICULTURAL
LAND RESERVE**

ISSUE

To consider an application to subdivide That Part of Section 34, Otter District Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411, which is located within the Agricultural Land Reserve.

BACKGROUND

The 14.5 ha parcel is located in Otter Point at 4164 and 4188 Otter Point Road (Attachment 1). The parcel is located south of Otter Point Road and adjacent to Agricultural zoned parcels to the east, south and west. The property is designated Agricultural Land Reserve in the Official Community Plan (OCP) for Otter Point, Bylaw No. 3719, and is zoned Agriculture (AG) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040.

The applicants have used the subject property to raise llamas and alpacas for the past 13 years. There are two single-family dwellings, a detached accessory suite and various farm buildings located on the property (Attachments 2 and 3). Two of the owners are now nearing retirement and would like to subdivide the parcel into two 7.2 ha lots (Attachment 4). They contend that two smaller lots will have greater farming potential than the larger single lot as the current lot is too large for a hobby farm, but too small to be commercially farmed.

ALTERNATIVES

1. Recommend that staff be directed to refer the application for the subdivision of land within the ALR for That Part of Section 34, Otter District, Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 to the Agricultural Advisory Planning Commission for comment.
2. Recommend denial of the application to the ALC and do not proceed with referral.
3. Refer the application back to staff for more information.

LEGISLATIVE IMPLICATIONS

Section 25 of the *Agricultural Land Commission Act* (the 'Act') establishes requirements for applications for the subdivision of land in the ALR. Subsection 25(3) requires that an application for subdivision be submitted together with a resolution from the local government if the land that is subject to the application is zoned to permit agriculture or farm use. As the subject property is zoned Agricultural (AG), the CRD Board must make a resolution to either support or not support the subdivision.

PUBLIC CONSULTATION IMPLICATIONS

Owner applicants are not required to provide any public notice regarding an application for the subdivision of property in the ALR. Section 29(2) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* requires local governments to receive subdivision applications and submit them to ALC. This provides local government with an opportunity to make comment and provide a recommendation on the proposal.

The Agricultural Advisory Planning Commission (AAPC) was established under Bylaw No. 3517. The AAPC is to provide advice to the LUC, CRD Board and staff regarding agricultural issues and the potential impact of planning decisions on agriculture. Specifically, the AAPC is to be consulted on applications initiated under the *Agricultural Land Commission Act*; therefore, the proposal may be referred to the AAPC.

The Juan de Fuca Electoral Area Development Procedures Bylaw No. 3110 does not specify any public consultation requirements for ALR applications. As a courtesy, a notice of intent outlining the subdivision application will be sent to property owners within 500 m of the subject properties. Any responses received from the public will be presented at the January 21, 2014 Land Use Committee meeting.

PLANNING ANALYSIS

The Otter Point OCP Bylaw No. 3719 designates the land as Agricultural Land Reserve, which signifies that the predominant land use is for agricultural purposes. This designation supports farming activities and other land uses as permitted by the ALC. The land is zoned AG under the Juan de Fuca Land Use Bylaw, which permits agricultural and intensive agricultural uses. The zone specifies a minimum parcel area of 4.0 ha, as well as increased minimum setbacks for agricultural and intensive agricultural uses and buildings. Based on the submitted plan, it appears that both proposed lots will meet the minimum lot size, and that existing buildings can meet the setbacks for residential buildings and for agricultural uses and buildings. These setbacks would be confirmed as part of the formal subdivision review process through the Ministry of Transportation and Infrastructure, should the CRD Board pass a resolution of support and the Agricultural Land Commission also agree to the proposal.

There are currently two dwelling units and one detached accessory suite located on the subject property. It is estimated that one of the dwellings and the accessory suite have been on the property since the 1950s; the second home was built in 2002. Planning staff at that time determined that the second dwelling was permitted as housing for agricultural workers since the parcel was assessed as "Farm" under the *Assessment Act* and the use was supported by the Agricultural Land Commission.

In order to assess the potential impact of the proposed subdivision on agriculture, Planning staff recommend that the application be referred to the Agricultural Advisory Planning Commission for comment.

CONCLUSION

This application for subdivision of land located within the Agricultural Land Reserve requires a resolution of support from the CRD Board in order to be considered for approval by the ALC. The subject property is one of the older farms in the Juan de Fuca area and has recently been used for the raising of llamas and alpacas. If successful, this application would permit the subject property to be subdivided into two 7.4 ha lots, each with a single-family dwelling and supporting farm buildings.

Staff recommend referring the application to the Agricultural Advisory Planning Commission for comment.

RECOMMENDATION

That the Juan de Fuca Land Use Committee recommend to the CRD Board:

1. That staff be directed to refer the application for subdivision of land within the ALR for That Part of Section 34, Otter District, Shown Outlined in Red on Plan Deposited Under DD 17655, Except That Part on Plan 459-R and 39411 to the Agricultural Advisory Commission for comment.

****ORIGINAL SIGNED****

Iain Lawrence
Planner, Local Area Planning

June Klassen, MCIP
Manager, Local Area Planning

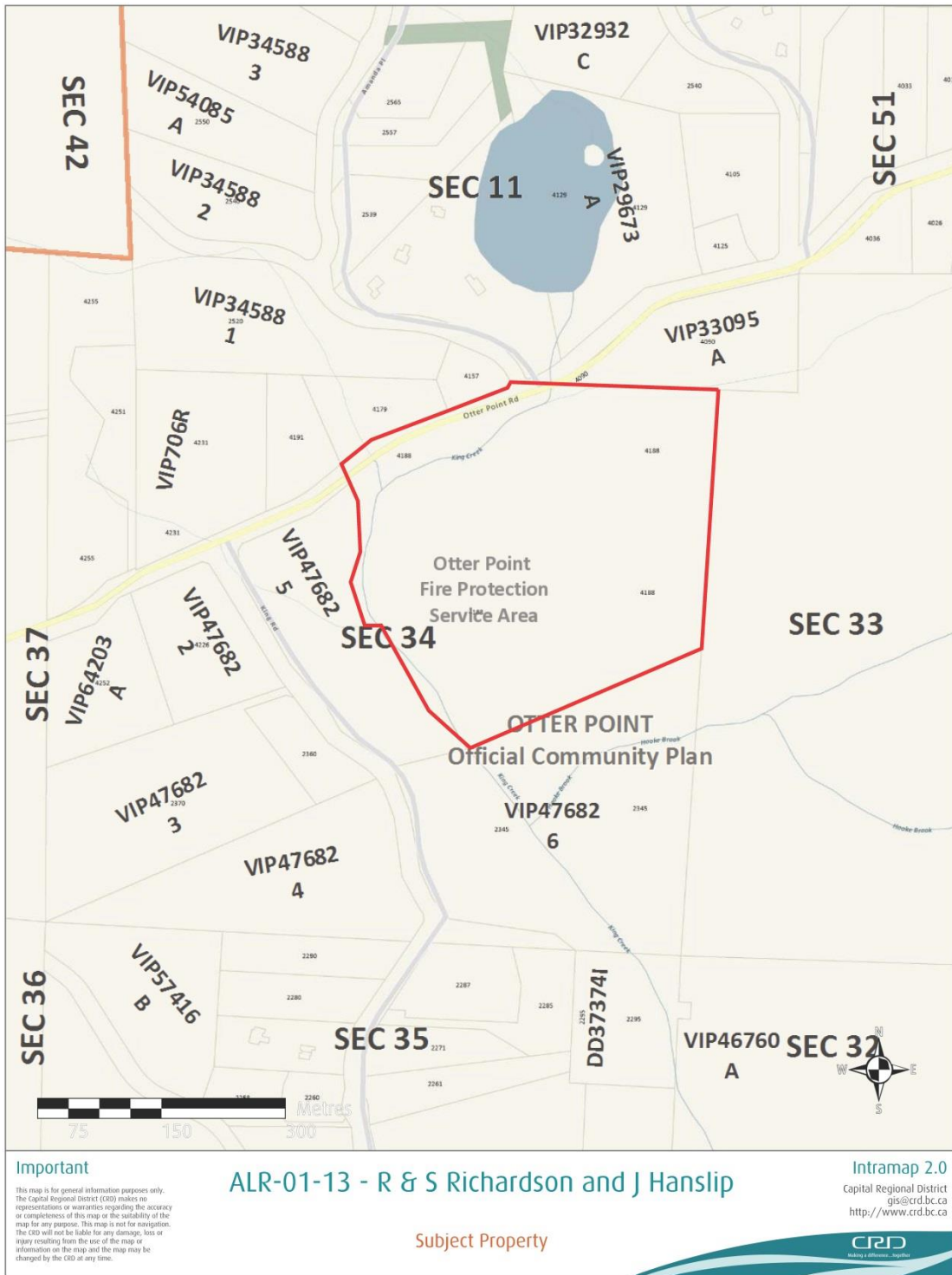
Maurice Rachwalski, PhD
General Manager, Planning & Protective Services
Concurrence

Robert Lapham, MCIP
Chief Administrative Officer
Concurrence

Attachments:

1. Subject Property Map
2. Site Plan
3. Ortho Map
4. Proposed Plan of Subdivision

Attachment 1: Subject Property Map



Important

This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.

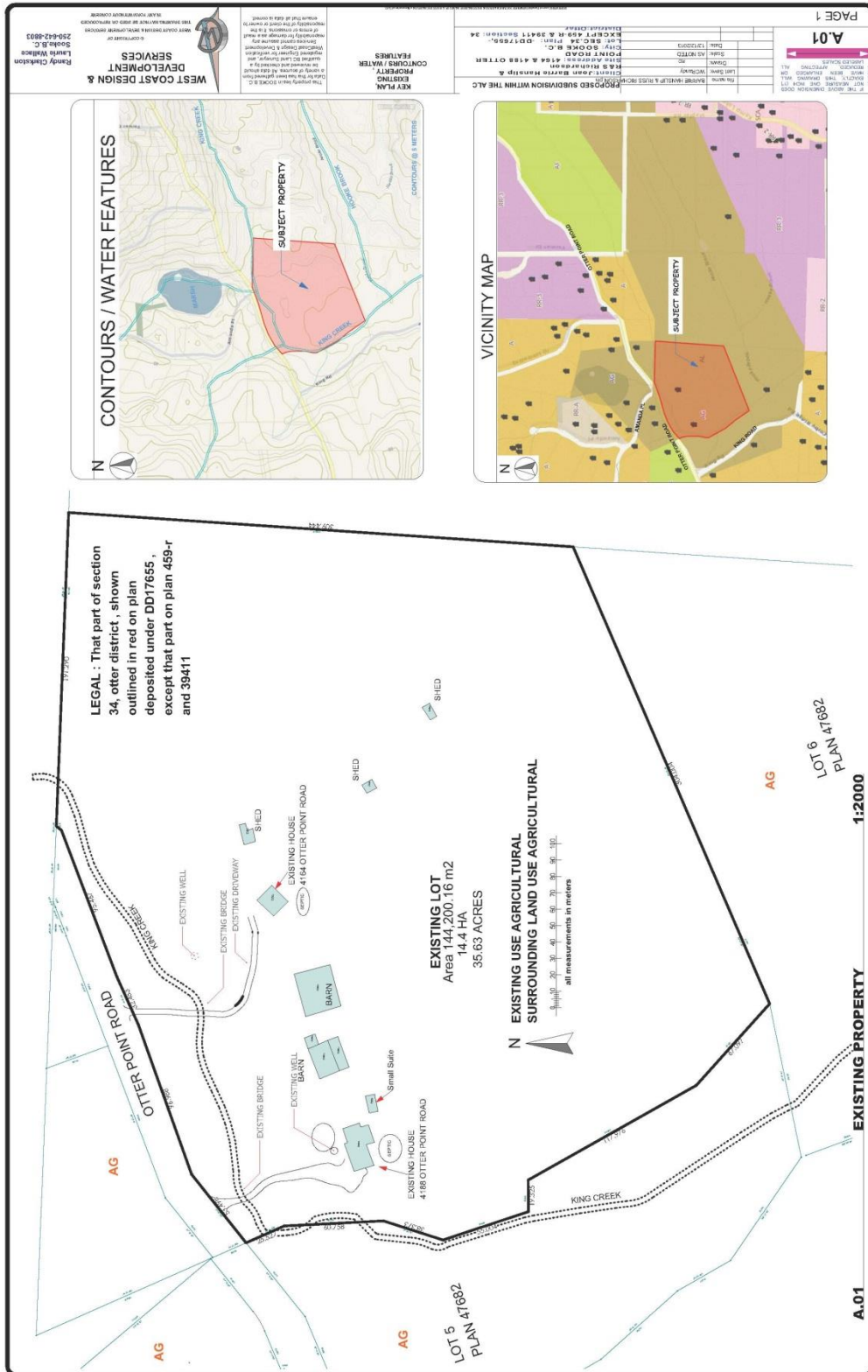
ALR-01-13 - R & S Richardson and J Hanslip

Subject Property

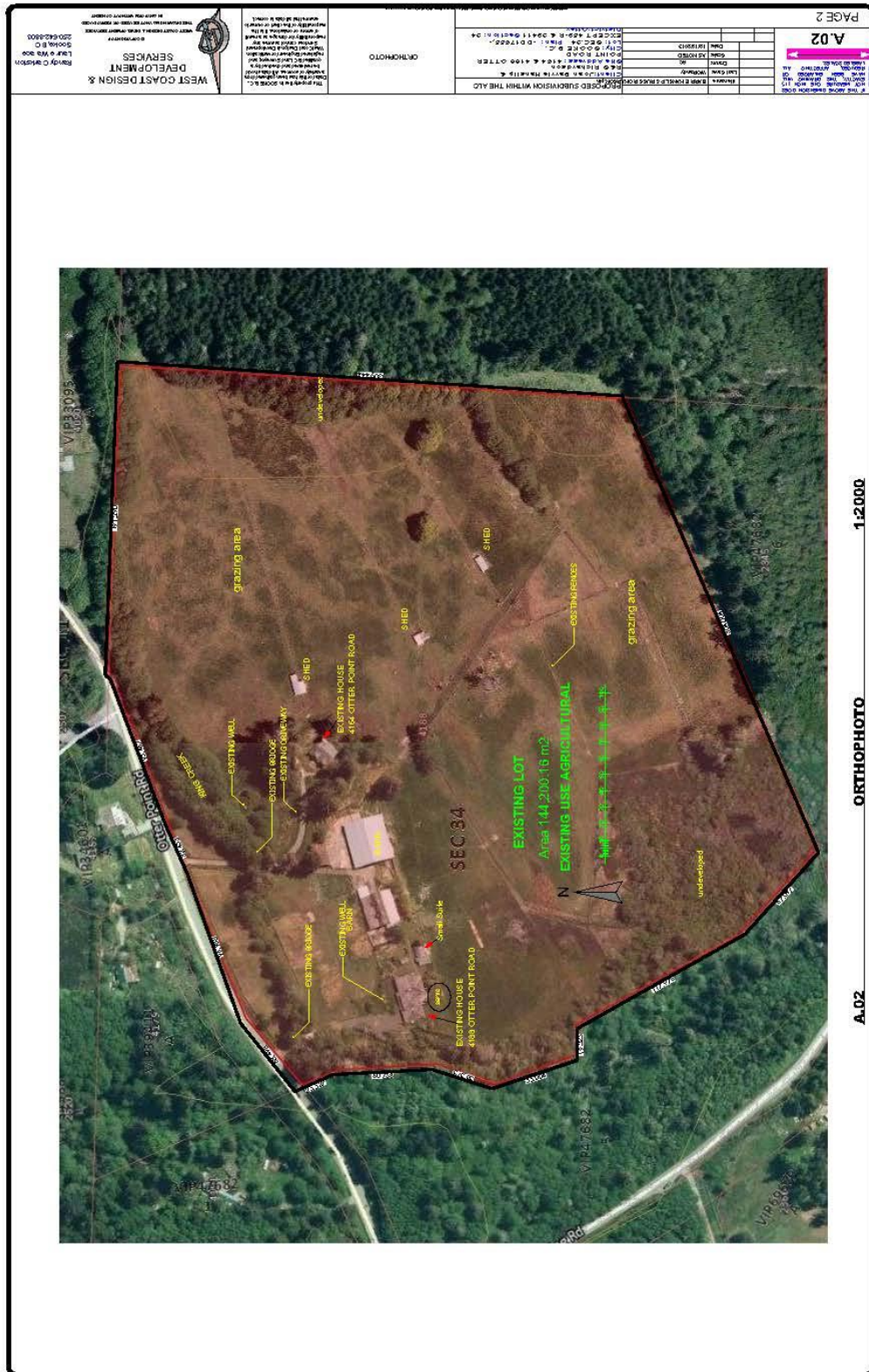
Intramap 2.0

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Attachment 3: Ortho Map



Attachment 4 : Proposed Plan of Subdivision

