



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, APRIL 15, 2014**

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**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). The other owners would remain on one new lot and continue farming. 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.

The LUC first reviewed this proposal at its meeting on January 21, 2014. At its meeting on February 12, 2014, the Regional Board considered the LUC recommendation and directed staff to refer the application to the Juan de Fuca Agricultural Advisory Planning Commission for comment (AAPC). The AAPC reviewed the application on March 27, 2014.

**ALTERNATIVES**

1. Recommend to the Capital Regional District Board that it pass a resolution authorizing the subdivision of 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.
2. Recommend that the application for subdivision not be authorized and that the application not proceed to the ALC.
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. Since the land that is subject to the application is zoned Agriculture (AG), subsection 25(3) of the *Act* requires that the subdivision application be authorized by a resolution of the local government in order for it to proceed.

## **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 the ALC. This provides local government with an opportunity to make comment and provide a recommendation on the proposal.

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 was sent to property owners within 500 m of the subject properties, advising of the AAPC meeting held on March 27, 2014.

## **AGRICULTURAL ADVISORY PLANNING COMMISSION**

The AAPC considered the application at its meeting on March 27, 2014, and passed a resolution supporting the proposed subdivision provided there are no concerns identified by the *Riparian Areas Regulation* Assessment Report required as part of the subdivision process. The subdivision will provide a more affordable opportunity for farming and does not decrease the farming potential as the land will remain in the ALR.

Planning staff received no correspondence in response to public notification of the AAPC meeting; however, the applicant submitted a number of letters of support from neighbouring property owners. These letters were presented to the AAPC.

## **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, both proposed lots will meet the minimum lot size but will have no further subdivision potential. Further, the existing buildings appear to 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.

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 were constructed in the 1950s; the second home was built in 2002. When the building permit was issued for the second home, Planning staff determined that it was 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.

The Juan de Fuca Planning office has received seven letters of support from neighbouring property owners. A letter submitted by the Raymonds advises that they will continue leasing part of the subject property to raise sheep, and a letter submitted by the Childs, who own a neighbouring farm, confirms that the subdivision would create two manageable sized farms.

Since the proposed lots both exceed the minimum lot size specified by the AG zone, since there is continued interest in farming both of the proposed parcels and the land will remain in the ALR, and since the AAPC supports the proposed subdivision, Planning staff recommend that this application for Subdivision of Land Within the ALR be authorized and forwarded to the ALC for their consideration.

**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 for continued agricultural use.

Based on comment from the Juan de Fuca AAPC and the letters of support submitted by the applicant, and since the proposed subdivision would meet the minimum lot size specified by the AG zone, staff recommend that the subdivision be authorized and that the resolution to that effect be forwarded to the ALC.

**RECOMMENDATION**

That the Juan de Fuca Land Use Committee recommend that the CRD Board authorize the application for Subdivision of Land Within the ALR (ALR-01-13) 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, and that it forward the authorizing resolution to the Agricultural Land Commission.

**\*\*ORIGINAL SIGNED\*\***

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Iain Lawrence  
Planner, Local Area Planning

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June Klassen, MCIP, RPP  
Manager, Local Area Planning

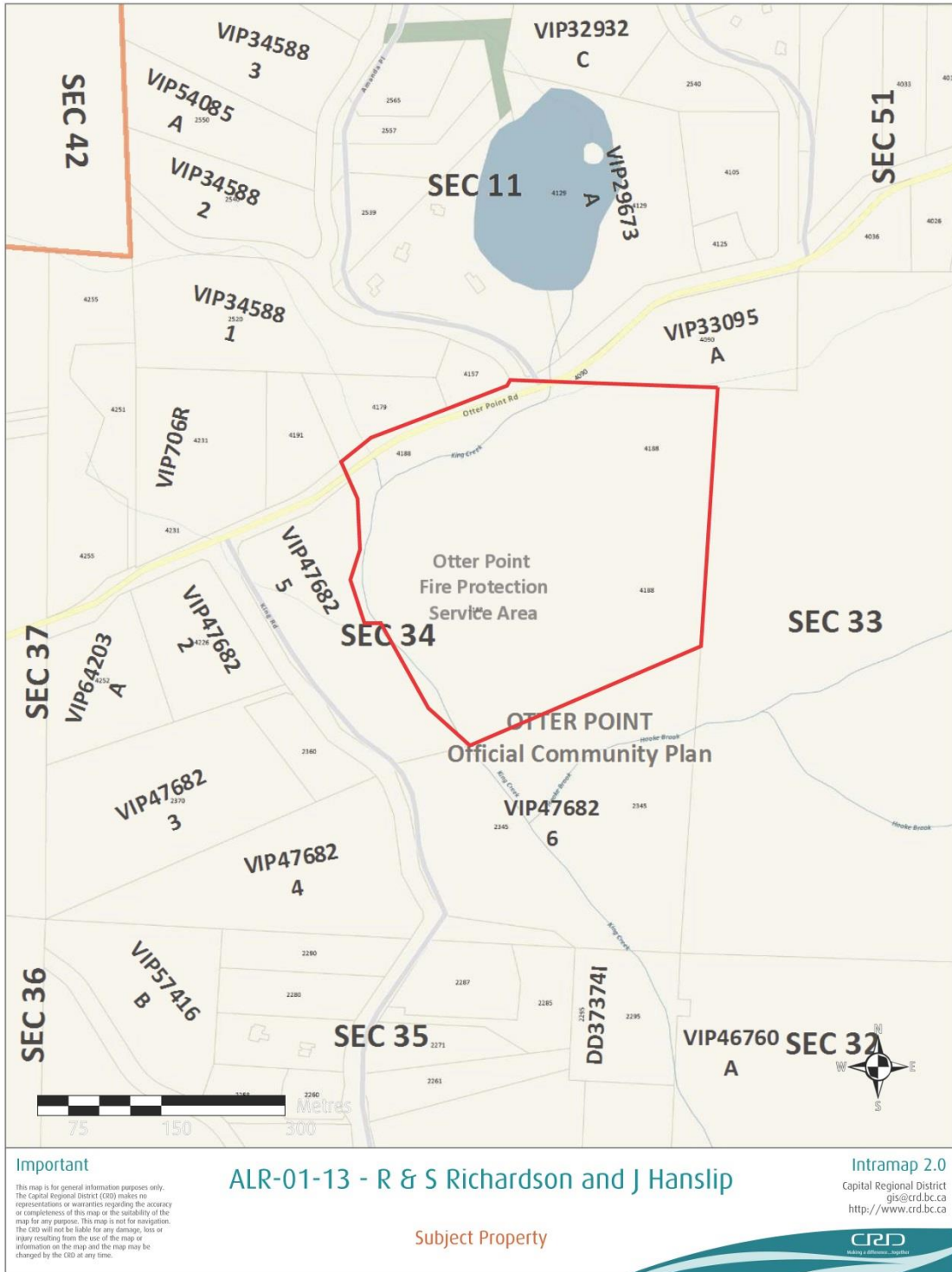
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Travis Whiting  
Acting General Manager  
Planning & Protective Services  
Concurrence

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

Attachments:

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

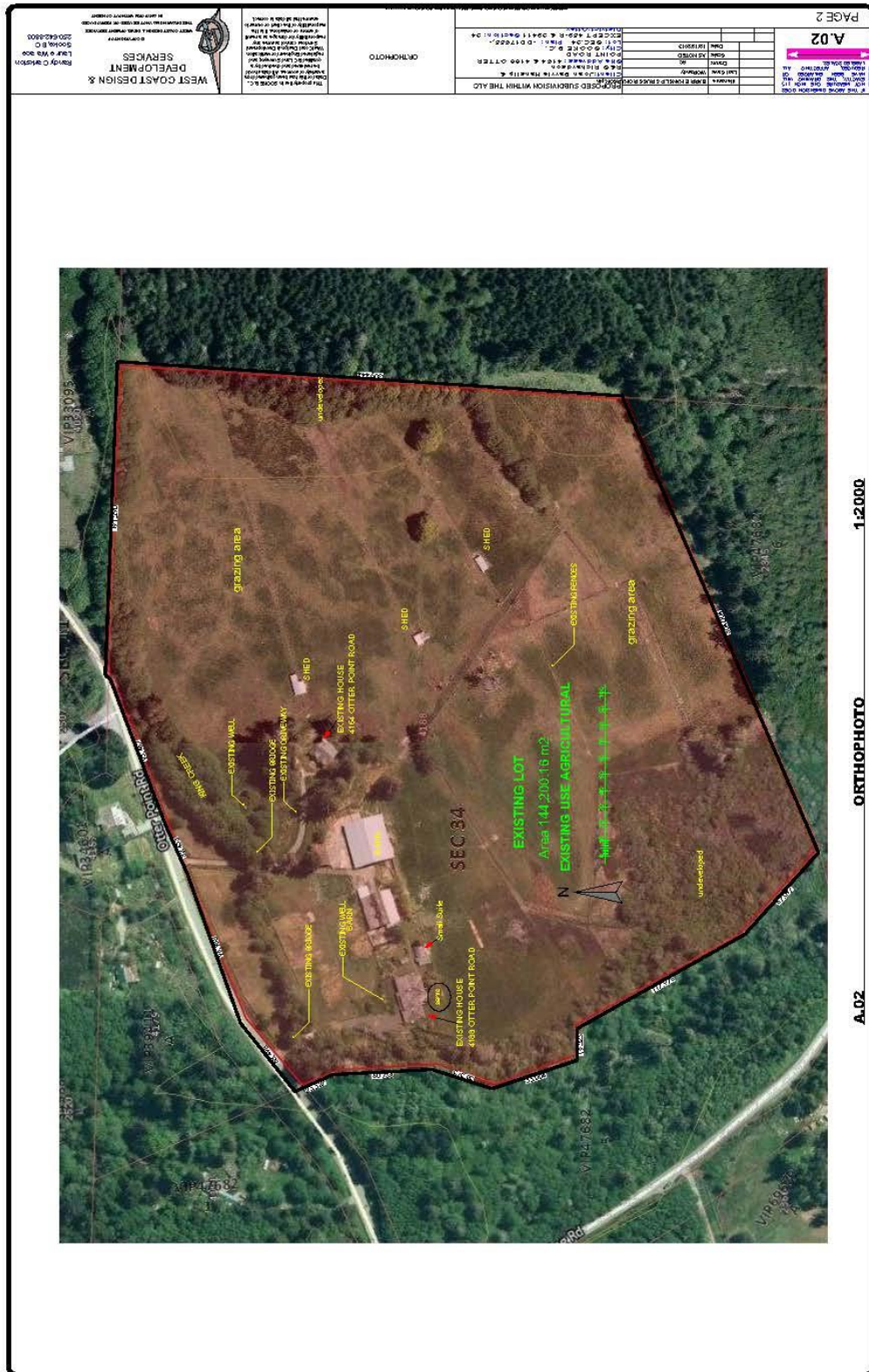
Attachment 1: Subject Property Map







Attachment 3: Ortho Map



**A.02      ORTHOPHOTO      1:2000**

Attachment 4 : Proposed Plan of Subdivision

