

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
AGENDA

Thursday, October 31, 2019

2:00 P.M.

Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Agricultural Advisory Committee Meeting - June 26, 2019 2

That the minutes of the Agricultural Advisory Committee meeting held June 26, 2019, be adopted.
4. DELEGATIONS
5. CORRESPONDENCE
6. REPORTS
 - 6.1 Request for Comment on Subdivision in the Agricultural Land Reserve Application No. PL2019-165 - 981 Virginia Road, Electoral Area F 5
 - 6.2 Request for Comment on Subdivision in the Agricultural Reserve Application No. PL2019-135 & PL2019-136 -1460 Winchester Road & 2600 and 2460 Grafton Avenue, Electoral Area F 33
 - 6.3 Updated ALC Decision Summary 69
7. BUSINESS ARISING FROM DELEGATIONS
8. NEW BUSINESS
9. ADJOURNMENT

**REGIONAL DISTRICT OF NANAIMO
MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING**

**Wednesday, June 26, 2019
2:00 P.M.
Board Chambers**

In Attendance:	Director M. Young	Chair
	Director S. McLean	Electoral Area H
	Director J. Turley	City of Nanaimo
	J. Thony	Regional Agricultural Organization
	M. Ryn	Regional Agricultural Organization
	R. Thompson	Representative District 69
	C. Watson	Representative District 69
	Garry Laird	Representative District 68
	Christopher Brown	Representative District 68
Regrets:	K. Reid	Shellfish Aquaculture Organization
Also in Attendance:	P. Thompson	Mgr. Current Planning
	S. Rosser	Administrative Associate

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as presented.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Agricultural Advisory Committee Meeting - February 28, 2019

It was moved and seconded that the minutes of the Agricultural Advisory Committee meeting held February 28, 2019, be adopted.

CARRIED UNANIMOUSLY

REPORTS

Request for Comment on Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2019-075 - 1160 Evergreen Way, Electoral Area F

Brad McLean spoke on the farm use and proposed agricultural development.

It was moved and seconded that the application for Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2019-075 - 1160 Evergreen Way, Electoral Area F, be recommended for acceptance.

Opposed (2): C. Watson and R. Thompson

CARRIED

Request for Comment on Subdivision in the Agricultural Land Reserve Application No. PL2019-077 - 2550 Quennell Road, Electoral Area A

Lloyd Hiebert, applicant, commented on questions from the Committee.

It was moved and seconded that the application for Subdivision in the Agricultural Land Reserve Application No. PL2019-077 - 2550 Quennell Road, Electoral Area A, be recommended for acceptance.

Opposed (2): M. Ryn and C. Brown

CARRIED

Request for Comment on Subdivision in the Agricultural Land Reserve Application No. PL2019-082 - 3786 Jingle Pot Road, Electoral Area C

Mary-Ann Galvin, agent, and Frank Bajich spoke on the intent to maintain farm use.

It was moved and seconded that the application for Subdivision in the Agricultural Land Reserve Application No. PL2019-082 - 3786 Jingle Pot Road, Electoral Area C, be recommended for acceptance.

Opposed (3): C. Watson, R. Thompson and M. Ryn

CARRIED

Request for Comment on Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2019-103 - 2483 Pirart Road, Electoral Area C

Elaine Hosak, agent, spoke on the farm use and proposed agricultural development.

It was moved and seconded that the application for Non-Adhering Residential Use in the Agricultural Land Reserve Application No. PL2019-103 - 2483 Pirart Road, Electoral Area C, be forwarded to the Agricultural Land Commission with a recommendation to approve.

Opposed (6): R. Thompson, C. Watson, S. McLean, C. Brown, M. Ryn and G. Laird

DEFEATED

Updated Agricultural Land Commission Decision Summary

Staff provided comment on the status of Agricultural Land Commission decisions since the last meeting on February 28, 2019

It was moved and seconded that the Committee request Agricultural Land Commission decision letters be provided to members on an ongoing basis.

CARRIED UNANIMOUSLY

NEW BUSINESS

The Committee discussed the need for the Agricultural Advisory Committee to be invited to participate in regional Agricultural Land Commission seminars and workshops.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

TIME ADJOURNED: 3:50 PM

CARRIED UNANIMOUSLY

CHAIR

TO: Agricultural Advisory Committee **DATE:** October 31, 2019
FROM: Angela Buick
Planner **FILE:** PL2019-165
SUBJECT: Request for Comment on Subdivision in the Agricultural Land Reserve
Application No. PL2019-165 - 981 Virginia Road, Electoral Area F

SUMMARY

This is an application for subdivision in the Agricultural Land Reserve (ALR) to permit a two-lot subdivision on a 16.3 hectares parcel located in Electoral Area F. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the Provincial Agricultural Land Commission (ALC), it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for subdivision in the ALR from Sandy Grant on behalf of the property owner 1135191 BC Ltd. The subject property is legally described as Lot A, District Lot 141, Nanoose and Newcastle Districts, Plan EPP77233 and the civic address is 981 Virginia Road. The subject property is approximately 16.3 hectares in area and is located entirely within the ALR and is zoned A-1 (Agriculture 1) pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The parcel is bound by Virginia Road to the east, a large agricultural lot to the north, smaller rural/residential lots not within the ALR to the east and south and French Creek and a large Private Managed Forest Land lot to the west. The property currently contains a residence and a number of agricultural structures on the southwest portion of the parcel (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

Proposed Development

The applicant is proposing to subdivide the subject property into two lots so as to restore the previous configuration prior to a recent amalgamation in July 2018. In 2016, the property owner initiated an application process with Health Canada to attain a Medicinal Cannabis Production License. At this time, the property owner owned the southern 4.18 hectares of the subject property. Subsequently the property owner purchased the 12.1 hectare lot to the north, creating the 16.3 hectare subject property so as to meet the various regulations and requirements for a successful application. Due to regulatory changes and leading to uncertainty in the application process, the property owner concluded that the subject property was unsuitable for the proposal and therefore is requesting to revert the subject property to its former two-lot configuration (one 12.1 hectare lot and one 4.18 hectare lot). The applicants have provided a letter including a detailed timeline of events and rationale as part of the subdivision application. A copy of the

applicant's submission package is included as Attachment 9. Personal Information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.

Agricultural Advisory Committee members were provided an opportunity to attend the site on September 10, 2019.

REGIONAL GROWTH STRATEGY

The subject property is designated 'Resource Lands and Open Space' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The Resource Lands and Open Space land use designation is land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development and intended for long-term open space uses. This land use designation supports uses that are compatible to those that support agriculture and resource activities, (see Attachment 8). Further to this, the RDN Regional Growth Strategy encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 7 and 8).

Amendments to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" would not be required to allow the proposed use as the production of cannabis is considered agricultural in nature.

A copy of the applicant's submission package is included in Attachment 9.

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Resource Lands Within the ALR' pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1285, 2002" (see Attachment 5).

This land use designation objectives are as follows:

- Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
- Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

Additionally, General Policy number 5 states that permitted uses shall be associated with those uses supported by the ALC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds. The Official Community Plan supports a minimum parcel size of 4.0 hectares for subdivision.

The parcel is also designated within the Freshwater and Fish Habitat Development Permit Area. A development permit may be required for activities located within a Riparian Assessment Area where such activities involve the subdivision of land, construction of, or addition to, or alteration of a building or structure, or the alternation of land.

Amendments to "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1285, 2002" are not required to facilitate the proposed subdivision.

ZONING

The parcel is currently zoned A-1 (Agriculture 1), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (see Attachments 4). The applicant proposes a two-lot subdivision to revert to the previous configuration prior July 2018 and as seen on the Proposed Site Plan (see Attachment 3). The A-1 zone permits Farm Use as a principal permitted use and permits a minimum parcel size of 4.0 hectares for subdivision. The smallest of the two proposed parcels is 4.18 hectares.

Amendments to Bylaw 1285 are not required to facilitate a the proposed subdivision.

BOARD POLICY AND AAC PROCEDURE

Regional District of Nanaimo “Board Policy B1.8: Review of ALR Applications”, (Board Policy B1.8) provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the ALR. Board Policy B1.8 also includes a standing Board resolution for subdivision of lands within the ALR which reads as follows:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis, as directed by the Board. In addition to members’ local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN’s agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is through the Committee’s adoption of a recommendation. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee’s adoption of a recommendation. Only recommendations approved by the Committee will be forwarded to the ALC for consideration. Comments from individual AAC members will not be included in the staff report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Board Policy B1.8, any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director’s comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the applicable subject property's electoral area director for comment.

With respect to this application, Electoral Area F Director L. Salter has provided the following comments:

Having met with the owners several times regarding this property I understand that they originally planned to build a legal cannabis facility according to (then) new ALC regulation.

The changes that subsequently occurred during the time the ALC created the legislation eventually made the cannabis facility untenable for the land owners. In this, they are no longer in a position to move forward due to the changes and financial costs that will be incurred as a result.

The landowners wish to have the property restored to its original configuration in order to move forward with separate agricultural farming practices.

I am in full support of this request.



Angela Buick
abuick@rdn.bc.ca
October 22, 2019

Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments:

1. Subject Property Map
2. 2018 Aerial Photo
3. Proposed Plan of Subdivision
4. Existing Zoning Bylaw 1285
5. Official Community Plan - Land Use Designation
6. Regional Growth Strategy - Land Use Designation
7. Regional Growth Strategy - Goal 7 - Enhance Economic Resiliency - Agriculture
8. Regional Growth Strategy - Goal 8 - Food Security
9. Applicant's Submission

Attachment 2
2018 Aerial Photo



**Attachment 4
 Existing Zoning
 (Page 1 of 2)**



Section 4 – Zones
 Page 4-1

A-1 – AGRICULTURE 1	SECTION 4.1 ¹
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4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use – on lands located in the Agricultural Land Reserve
- c) Agriculture – on lands not located in the Agricultural Land Reserve

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite²

4.1.3 Permitted Accessory Farm Uses

- a) Agriculture Education and Research
- b) Temporary Sawmill
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products
- e) Gathering for an Event³

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from	i) Front and Exterior Side Lot Lines	4.5 metres
	ii) All Other Lot Lines	2.0 metres
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.26, adopted June 28, 2016

² Bylaw No. 1285.19, adopted May 27, 2014

³ Bylaw No. 1285.29, adopted May 22, 2018

This is an excerpt only from “Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002” and should not be used for interpretive or legal purposes without reference to the entire Bylaw.

**Attachment 4
Existing Zoning
(Page 2 of 2)**

4.1.5 Regulations

- a) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act* and *Regulations*, and applicable orders of the Agricultural Land Commission.

4.1.6 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ¹

Attachment 5 Official Community Plan Land Use Designation



Resource Lands

This designation applies to lands that are valued for agriculture, forestry, natural resource extraction or environmental conservation opportunities. This Plan designates as Resource Lands, lands located within the Agricultural Land Reserve, Forest Land Reserve, as well as Crown lands other than lands designated as Park Land. Lands designated Resource Lands are illustrated on Map No. 2.

It is recognized that there is a wide range of home based business activities occurring on ALR lands in Electoral Area 'F'. The Regional District of Nanaimo shall negotiate with the Agricultural Land Commission to obtain a General Order for Electoral Area 'F' to allow for an expanded definition of home based businesses beyond what is normally permitted by the ALC.

Objectives

1. Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
2. Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

General Policies

1. For properties within the ALR or FLR, the regulations and policies of the ALC and FLC apply. These properties may also be subject to other local government bylaws.
2. A 4.0-hectare minimum permitted parcel size for future subdivision shall apply to all lands designated Resource and currently situated in the ALR.
3. A 50.0-hectare minimum permitted lot size for future subdivision shall apply to all lands designated Resource and currently situated in the FLR or Crown lands.
4. Future residential development on Resource Lands shall be limited to one dwelling unit per parcel. Two dwelling units per parcel may be permitted where approval has been received from the ALC or FLC, if necessary, and subject to the zoning on the property.
5. Permitted uses shall be associated with those uses supported by the ALC and FLC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds.
6. Where land is removed from the ALR or FLR, the Resource Lands designation shall remain and the permitted uses shall be limited to rural/resource activities as defined in the OCP and zoning.

Attachment 6 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 7
Regional Growth Strategy Goal 7 -
Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may

occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. Culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 9
Applicant's Submission



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59854

Application Status: Under LG Review

Applicant: 1135191 BC Ltd. Inc. No. BC1135191

Agent: Grant Land Surveying Inc.

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 10/04/2019

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: The purpose of this proposal is to restore the property to its original configuration before 2018 and Plan EPP77233 (see attached). The applicant purchased the northern piece of the property and amalgamated with the southern part by Plan EPP77233 with the expectation that they would be able to install and operate greenhouses and a cannabis production facility. Due to regulatory uncertainty and change to cannabis production requirements in both 2018 and 2019, the project became no longer financially viable. As the project is not moving forward, the applicant would like to revert to the previous lot configuration.

See the document attached for a detailed history of the timeline.

Agent Information

Agent: Grant Land Surveying Inc.

Mailing Address:

580 10th STREET
COURTENAY, BC
V9N 1P8
Canada

Primary Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 030-513-383

Legal Description: Lot A District Lot 141 Nanoose and Newcastle Districts Plan EPP77233

Parcel Area: 16.3 ha

Civic Address: 981 Virginia Road, Parksville

Date of Purchase: 09/05/2018

Farm Classification: Yes

Owners

1. **Name:** 1135191 BC Ltd. Inc. No. BC1135191

Address:

103-1333 Jervis Street
Vancouver, BC

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Southern Parcel: Indoor cannabis production under a personal federal medical marijuana license.

Northern Parcel: No active agriculture is occurring.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Southern Parcel: A licensed micro-cannabis production facility was constructed in 2016.

Northern Parcel: Perimeter drainage ditches were installed to eliminate conditions of standing water and

enable future field crop production. Fields have been monitored for potential invasive species. A topographical survey was undertaken and a preliminary site drainage plan was developed to support siting groundwater borrow pits for agricultural irrigation purposes.

A pre-existing, historical engineered road through the property was periodically graded and maintained.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

No non-agricultural is occurring on either of the parcels.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Animal grazing

East

Land Use Type: Agricultural/Farm

Specify Activity: Single family dwellings

South

Land Use Type: Agricultural/Farm

Specify Activity: Single family dwellings

West

Land Use Type: Unused

Specify Activity: French creek/Vacant

Proposal

1. Enter the total number of lots proposed for your property.

12.1 ha

4.2 ha

2. What is the purpose of the proposal?

The purpose of this proposal is to restore the property to its original configuration before 2018 and Plan EPP77233 (see attached). The applicant purchased the northern piece of the property and amalgamated with the southern part by Plan EPP77233 with the expectation that they would be able to install and operate greenhouses and a cannabis production facility. Due to regulatory uncertainty and change to cannabis production requirements in both 2018 and 2019, the project became no longer financially viable. As the project is not moving forward, the applicant would like to revert to the previous lot configuration.

See the document attached for a detailed history of the timeline.

3. Why do you believe this parcel is suitable for subdivision?

The property is suitable for subdivision because up until 2018 it had previously been 2 lots. See titles attached (006-416-250 and 006-429-831)

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes, by enabling separation of title to the lots, it increases the opportunity that they will each be able to be utilized for agriculture independent of each other.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Grant Land Surveying Inc.
- Proposal Sketch - 59854
- Other correspondence or file information - Project Timeline
- Other correspondence or file information - Corporate Reg. Summary
- Other correspondence or file information - Plan of Subdivision
- Certificate of Title - 030-513-383

ALC Attachments

None.

Decisions

None.

TITLE SEARCH PRINT

2019-08-02, 10:31:12

File Reference: 210

Requestor: Sandy Grant

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Title Issued Under SECTION 98 LAND TITLE ACT

Land Title District VICTORIA
Land Title Office VICTORIA

Title Number CA6787720
From Title Number CA6333442
CA6383090

Application Received 2018-05-09

Application Entered 2018-07-24

Registered Owner in Fee Simple
Registered Owner/Mailing Address: 1135191 BC LTD., INC.NO. BC1135191
103-1333 JERVIS STREET
VANCOUVER, BC
V6E 1E9

Taxation Authority Port Alberni Assessment Area

Description of Land
Parcel Identifier: 030-513-383
Legal Description:
LOT A DISTRICT LOT 141 NANOOSE AND NEWCASTLE DISTRICTS PLAN EPP77233

Legal Notations
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26TH, 1974

Charges, Liens and Interests
Nature: EXCEPTIONS AND RESERVATIONS
Registration Number: M76300
Registered Owner: ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks: INTER ALIA
A.F.B. 9.693.7434A
118313G;
SECTION 172(3)
FOR ACTUAL DATE AND TIME OF
REGISTRATION SEE ORIGINAL GRANT
FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

File Reference: 210

2019-08-02, 10:31:12
Requestor: Sandy Grant

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This letter is submitted in support of our application to return the Southern and Northern ALR Lots to their original status before the amalgamation.

In 2016, we applied to Health Canada for a license to produce Medical Cannabis at 981 Virginia Road (PID: 006-429-83: Part of Lot 1, District of Lot 141, Nanoose and Newcastle Districts, Plan 2273). Our application satisfied all of Health Canada's preliminary requirements for licensing (security clearance, approval of facility design, SOPs, etc.)

During July 2017, Health Canada confirmed to us that we were ready to begin construction. During this period, we had several meetings and discussions with the Regional District of Nanaimo (RDN) to ensure that the facility would meet all their Municipal requirements including building setbacks of 60 m from residential boundaries, 30 m from Agricultural Land Reserve (ALR) boundaries and 30 m inland from the top-of-bank along French Creek. On July 27, 2017 an environmental site visit conducted by Cooper Beuchesne and Associates Ltd documented an active eagle nest within the north-central portion of the property.

Throughout the remainder of 2017, various project preparation tasks such a perk test, an application for BC Hydro service, the re-design of greenhouses and processing facility, soil testing, irrigation design and additional agricultural crop layouts were completed.

In February 2018: In order to provide adequate protection for the resident eagles and their nest tree while still satisfying the above requirements of Health Canada and the RDN, we purchased the adjoining ALR property (PID: 006-416-250. That Part of Lot 1, District Lot 141, Lying to the North of a Boundary Parallel to and Perpendicularly Distant from the Northerly Boundary of said Lot 1) and **were successful in our application to combine these lots July 27, 2018**. The facility address would retain the civic address of "981 Virginia Road" as required by Health Canada to continue with the same application.

The combined site and proposed building plan for the facility on the Northern boundary of the combined lot was shared with the RDN to confirm it was still compliant with Municipal requirements.

By June 2018, we were ready to commence construction and project bids were solicited, however:

- On July 2018, the ALC-amended the Agricultural Land Use Reserve Use, Subdivision and Procedure Regulation (BC 171/2002) by adding a section 2(2.5) defining the types of structures considered a "Farm Use" by the ALC. The ALC released an Informational Bulletin 04 on August 15, 2018 which provided an explanation but left a number of unanswered questions regarding the concept of a building that "has a base consisting entirely of soil".
- The Regional District of Nanaimo only permits activities deemed by the ALC to be "Farm Use" on A-1 Zoned land or rezoning would have been required.

- In October 2018, a regulatory consultant and professional agrologist were procured and a greenhouse and building plan (which we understood to meet the tests of the new ALC Regulations - Greenhouses are a Farm Use, and the Production Facility would be treated as an ancillary “necessary structure – were developed.
- However, to develop RDN Building Permit application drawings and appropriate Civil, Mechanical and Structural engineering plans for both structures would have cost greater than \$60,000.
- Therefore, an Affirmation of Farm Use request was made to Martin Collins, Director of Policy and Planning at the ALC on November 15, 2018 with a detailed proposal and regulatory compliance rationale. A policy decision that the buildings would be interpreted as “Farm Use” for the purposes of a Building Permit was requested. On December 6, Director Collins responded that a policy decision would only be made by a Statutory Decision maker through the process of filing a Non-Farm Use permit application.
- The Non-Farm Use Permit Application was filed on February 21, 2019. It specifically highlighted the request for clarification for Farm Use. The first stage for review was with the Regional District of Nanaimo.
- On February 22, 2019 the Agricultural Land Commission Act and the Agricultural Land Use Regulation were quietly amended slightly to grant local governments the power over certain cannabis structures, while clarifying which type of structures Municipalities could not prohibit. The effect was to treat all cannabis production as “Farm Use”. ALC staff continued to engage on Non-Farm Use Permits for cannabis well into the Spring and no direction was provided to Municipalities that their review of Non-Farm Use permits was no longer necessary, until an ALC Bulletin was released until May 8, 2019.
- The projects’ Non-Farm Use permit application languished with the Regional District of Nanaimo from January until May 8, when a site meeting was held with the RDN Agricultural Advisory Committee. The following day (May 9) the City Planner and our consultant had a discussion regarding the ALC’s Information Bulletin and agreed to cancel the Non-Farm Use Permit Application.
- Another key change was that ALC amended the soil deposition notification requirements, to a more onerous requirement, which did not align with the Municipal building permit application process to the RDN. Effectively a soil deposition authorization would be required before making a building permit application in order to have the regulatory certainty to proceed with the process of detailed building design. The ALC regulations continue to require authorizations for creation of parking lots and driveways to access structures on properties.

The cascade of regulatory changes and uncertainties noted above resulted in our inability to proceed with our project to construct a health Canada Facility on the site.

In January 2019, we obtained permission from Health Canada to move to a new site since 981 Virginia Road was no longer an option.

Although, the status of cannabis as an agricultural crop was reinstated by the ALC, we have constructed our facility elsewhere and are no longer able to move our application back to 981 Virginia Road. Nonetheless, we wish to continue our plan for the farming of the Southern plot.

We are requesting a subdivision such that the original 981 Virginia Road Lot (Southern lot) can be returned to farming by a family member and the Northern plot can be sold to pay off debts incurred throughout this process.

AGENT AUTHORIZATION LETTER

I (we) Shannon Van Boeyen
Printed/typed name(s) of landowner(s)

hereby appoint Grant Land Surveying Inc. (Sandy Grant BCLS) to
Printed/typed name of agent

make application to the Agricultural Land Commission as agent on my/our behalf with respect to
the following parcel (s): *Insert legal description for each parcel under application*

LOT A DISTRICT LOT 141 NANOOSE AND NEWCASTLE DISTRICTS PLAN
EPP77233

I Sandy Grant BCLS understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being
submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

<u>Shannon van boeyen</u>	<u>Shannon Van Boeyen</u>	<u>08/06/1993</u>
Signature	Printed Name	Date

<div style="border: 1px solid black; width: 300px; height: 30px;"></div>	_____	_____
Signature	Printed Name	Date



BC Company Summary

For 1135191 B.C. LTD.

Date and Time of Search: August 02, 2019 11:33 AM Pacific Time
Currency Date: July 05, 2019

ACTIVE

Incorporation Number: BC1135191
Name of Company: 1135191 B.C. LTD.
Recognition Date and Time: Incorporated on September 25, 2017 02:50 PM Pacific Time
Last Annual Report Filed: Not Available
In Liquidation: No
Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address: 410-1333 WEST BROADWAY VANCOUVER BC V6H 4C1 CANADA
Delivery Address: 410-1333 WEST BROADWAY VANCOUVER BC V6H 4C1 CANADA

RECORDS OFFICE INFORMATION

Mailing Address: 410-1333 WEST BROADWAY VANCOUVER BC V6H 4C1 CANADA
Delivery Address: 410-1333 WEST BROADWAY VANCOUVER BC V6H 4C1 CANADA

DIRECTOR INFORMATION

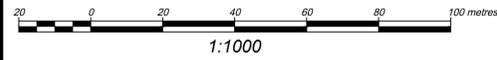
Last Name, First Name, Middle Name: BOEYEN, SHANNON VAN
Mailing Address: 103-1333 JERVIS STREET VANCOUVER BC V6E 1E9 CANADA
Delivery Address: 103-1333 JERVIS STREET VANCOUVER BC V6E 1E9 CANADA

NO OFFICER INFORMATION FILED .

REFERENCE PLAN OF THAT PART OF LOT 1, DISTRICT LOT 141, NANOOSE AND NEWCASTLE DISTRICTS, PLAN 2273, LYING TO THE NORTH OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 977 FEET FROM THE NORTHERLY BOUNDARY OF SAID LOT 1; and THAT PART OF LOT 1, DISTRICT LOT 141, NANOOSE AND NEWCASTLE DISTRICTS, PLAN 2273, LYING TO THE SOUTH OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 977 FEET FROM THE NORTHERLY BOUNDARY OF SAID LOT 1

Pursuant to Section 100(1)(b) and 107 of the Land Title Act.

BCGS 92F.038



LEGEND

Grid bearings are derived from differential carrier phase GNSS observations and are referred to the central meridian of Zone 10 (123° West).

- denotes standard iron post found
- ⊙ denotes standard capped post found
- ⊗ denotes standard capped post found
- ◁ denotes traverse hub placed

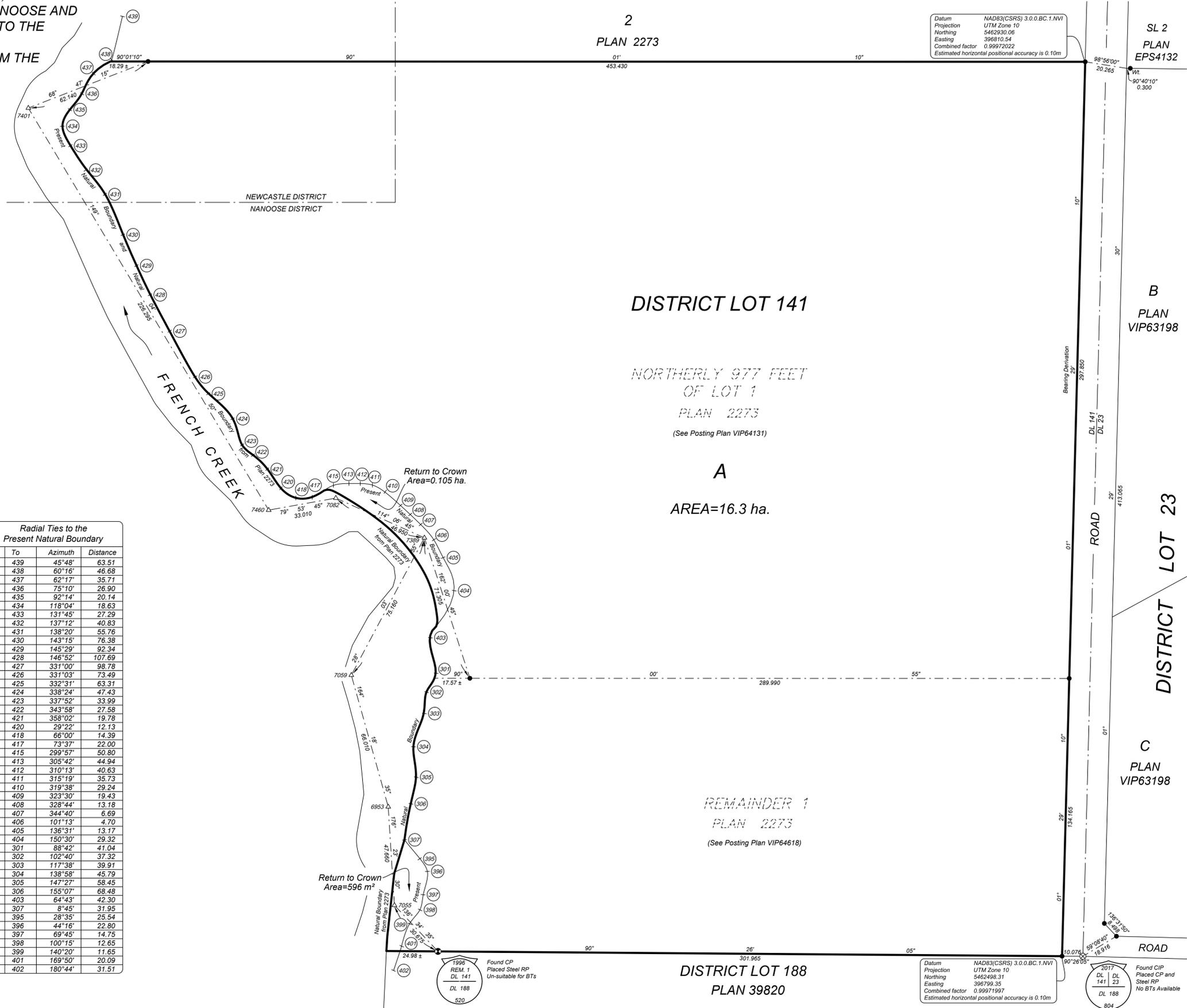
This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.99972023. The average combined factor has been determined based on an ellipsoidal elevation of 71 metres.

The UTM coordinates and estimated horizontal positional accuracy achieved are derived from GNSS dual frequency static baseline ties to the Geodetic Service of Canada Precise Point Positioning service.

Note: This plan shows one or more witness posts which are not set on the true corner. Unless otherwise shown, witness posts are set on the production of the property boundary.



Radial Ties to the Present Natural Boundary			
From	To	Azimuth	Distance
7401	439	45°48'	63.51
7401	438	60°16'	46.68
7401	437	62°17'	35.71
7401	436	75°10'	26.90
7401	435	92°14'	20.14
7401	434	118°04'	18.63
7401	433	131°45'	27.29
7401	432	137°12'	40.83
7401	431	138°20'	55.76
7401	430	143°15'	76.38
7401	429	145°29'	92.34
7401	428	146°52'	107.69
7460	427	331°00'	98.78
7460	426	331°03'	73.49
7460	425	332°31'	63.31
7460	424	338°24'	47.43
7460	423	337°52'	33.99
7460	422	343°58'	27.58
7460	421	358°02'	19.78
7460	420	29°22'	12.13
7460	418	66°00'	14.39
7460	417	73°37'	22.00
7389	415	299°57'	50.80
7389	413	305°42'	44.94
7389	412	310°13'	40.63
7389	411	315°19'	35.73
7389	410	319°38'	29.24
7389	409	323°30'	19.43
7389	408	328°44'	13.18
7389	407	344°40'	6.69
7389	406	101°13'	4.70
7389	405	136°31'	13.17
7389	404	150°30'	29.32
7059	301	88°42'	41.04
7059	302	102°40'	37.32
7059	303	117°38'	39.91
7059	304	138°58'	45.79
7059	305	147°27'	58.45
7059	306	155°07'	68.48
7059	403	64°43'	42.30
7055	307	8°45'	31.95
7055	395	28°35'	25.54
7055	396	44°16'	22.80
7055	397	69°45'	14.75
7055	398	100°15'	12.65
7055	399	140°20'	11.65
7055	401	169°50'	20.09
7055	402	180°44'	31.51



Datum NAD83(CSRS) 3.0.0.BC.1.NVI
 Projection UTM Zone 10
 Northing 5462830.06
 Easting 396810.54
 Combined factor 0.99972022
 Estimated horizontal positional accuracy is 0.10m

Datum NAD83(CSRS) 3.0.0.BC.1.NVI
 Projection UTM Zone 10
 Northing 5462498.31
 Easting 396799.35
 Combined factor 0.99971997
 Estimated horizontal positional accuracy is 0.10m

SL 2
 PLAN
 EPS4132

B
 PLAN
 VIP63198

C
 PLAN
 VIP63198

2
 PLAN 2273

DISTRICT LOT 141

NORTHERLY 977 FEET
 OF LOT 1
 PLAN 2273
 (See Posting Plan VIP64131)

A
 AREA=16.3 ha.

REMAINDER 1
 PLAN 2273
 (See Posting Plan VIP64618)

DISTRICT LOT 188
 PLAN 39820

This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure.

This plan lies within the Regional District of Nanaimo

The field survey represented by this plan was completed on the 4th day of October, 2017
 Sandy Grant, BCLS 804

TO: Agricultural Advisory Committee **DATE:** October 31, 2019

FROM: Stephen Boogaards
Planner **FILE:** PL2019-135 & PL2019-136

SUBJECT: Request for Comment on Subdivision in the Agricultural Reserve
Application No. PL2019-135 & PL2019-136
1460 Winchester Road & 2600 and 2460 Grafton Avenue – Electoral Area F
The North ½ of Lot 78, District Lot 8, Cameron District, Plan 1981
Lot 52, District Lot 8, Cameron District, Plan 1981

SUMMARY

This is an application for subdivision in the Agricultural Land Reserve (ALR) to subdivide each lot along the natural boundary of French Creek. Each existing parcel is approximately 11.1 hectares and is located in Electoral Area F. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the Provincial Agricultural Land Commission (ALC), it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report, to assist the ALC in making a decision on this application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for subdivision in the ALR from Ullrich Stafan Vogel, Catherine Bluck, and Gyorgy Somfai. The subject properties are legally described as The North ½ of Lot 78, District Lot 8, Cameron District, Plan 1981 and Lot 52, District Lot 8, Cameron District, Plan 1981. The civic addresses are 1460 Winchester Road and 2600 / 2640 Grafton Avenue. Each subject property is approximately 11.1 hectares in area and are located entirely within the ALR. The parcels are adjacent to Grafton Avenue and Winchester Road to the west and north and are crossed by a portion of French Creek. The property currently contains dwelling units and residential accessory buildings (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

A copy of the applicant's submission package is included as Attachment 9. Personal Information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*. The applicants propose to subdivide both subject properties along the natural boundary of French Creek. To provide road access to the lots on the eastern side of French Creek, the applicant also proposes to extend Tintern Road to the lots.

Agricultural Advisory Committee members were provided an opportunity to attend the site on September 10, 2019.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Lands and Open Space' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The Resource Lands and Open Space designation does not support the creation of new parcels that are smaller than the size supported by the Official Community Plan (OCP) in effect at the date of the adoption of the RGS (see Attachment 6). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR. The RGS also discourages the subdivision of agricultural lands (see Attachments 7 and 8 for Regional Growth Strategy goals – Enhance Economic Resiliency and Food Security goal).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as Resource Lands pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (see Attachment 5). The Resource Lands designation includes objectives to support the long term viability of the natural resource land base and establishes a 4.0 hectare minimum parcel size for lands currently within the ALR.

The proposed parcels are also designated within the Freshwater and Fish Habitat Development Permit Area (DPA). Due to French Creek being located on both properties, a development permit will be required prior to subdivision of the property. As part of the development permit, the applicant will need to demonstrate that the proposed lots can accommodate the residential and agricultural uses permitted under current zoning without impacting the Streamside Protection and Enhancement Area (SPEA) for French Creek. Information has not been submitted to confirm the size of the proposed lots and whether there is sufficient area to accommodate farming activities exclusive of environmental and geotechnical setbacks to French Creek.

ZONING

The parcel is currently zoned Agriculture 1 (A-1), pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (Bylaw 1285) (see Attachments 4 for zoning regulations and minimum parcel size). The A-1 Zone permits two dwelling units, farm use, and accessory residential and farming uses. The applicants propose to subdivide both properties along the natural boundary of French Creek. The zoning bylaw does not contain any exceptions to minimum parcel size for subdivision along this portion of French Creek. Therefore, the applicants must demonstrate at the time of subdivision that all lots comply with the minimum parcel size of 4.0 hectares or comply with parcel averaging requirements of Bylaw 1285. Bylaw 1285 permits lots within a subdivision to be reduced to 80% of the minimum parcel size provided the average lot size conforms to the minimum parcel size. While a subdivision plan has not been prepared, the subdivision appears to propose lots that may be smaller than this parcel size. If the lots do not comply with minimum parcel size and parcel averaging provisions, then the subdivision would not be permitted under the zoning bylaw, Official Community Plan or Regional Growth Strategy.

The applicant will be extending Tintern Road to the lots located on the east side of French Creek to provide road access; however, the lots will not comply with the minimum frontage requirements of 100 metres in the A-1 zone. As the minimum frontage requirements of Bylaw

1285 and the *Local Government Act* will not be met, the subdivision will require a relaxation of the frontage requirements by the RDN Board.

BOARD POLICY AND AAC PROCEDURE

Regional District of Nanaimo “Board Policy B1.8: Review of ALR Applications” (Board Policy B1.8) provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the ALR. Board Policy B1.8 also includes a standing Board resolution for subdivision of lands within the ALR which reads as follows:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis, as directed by the Board. In addition to members’ local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN’s agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is through the adoption of a motion. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee’s adoption of its motion. Only motions approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the staff report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Board Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director’s comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the applicable subject property’s electoral area director, for comment.

With respect to this application, Electoral Area F, Director Leanne Salter has provided the following comments:

Having walked the properties indicated, I support this request for subdivision.

I have had conversations with the landowners who are requesting permission to subdivide based on the natural boundary of French Creek.

In addition, the landowners are prepared to dedicate to the Crown, a public right of way in order to provide access to the properties.

Regards,

*Leanne Salter
RDN Director Area F*



Stephen Boogaards
sboogaards@rdn.bc.ca
October 2, 2019

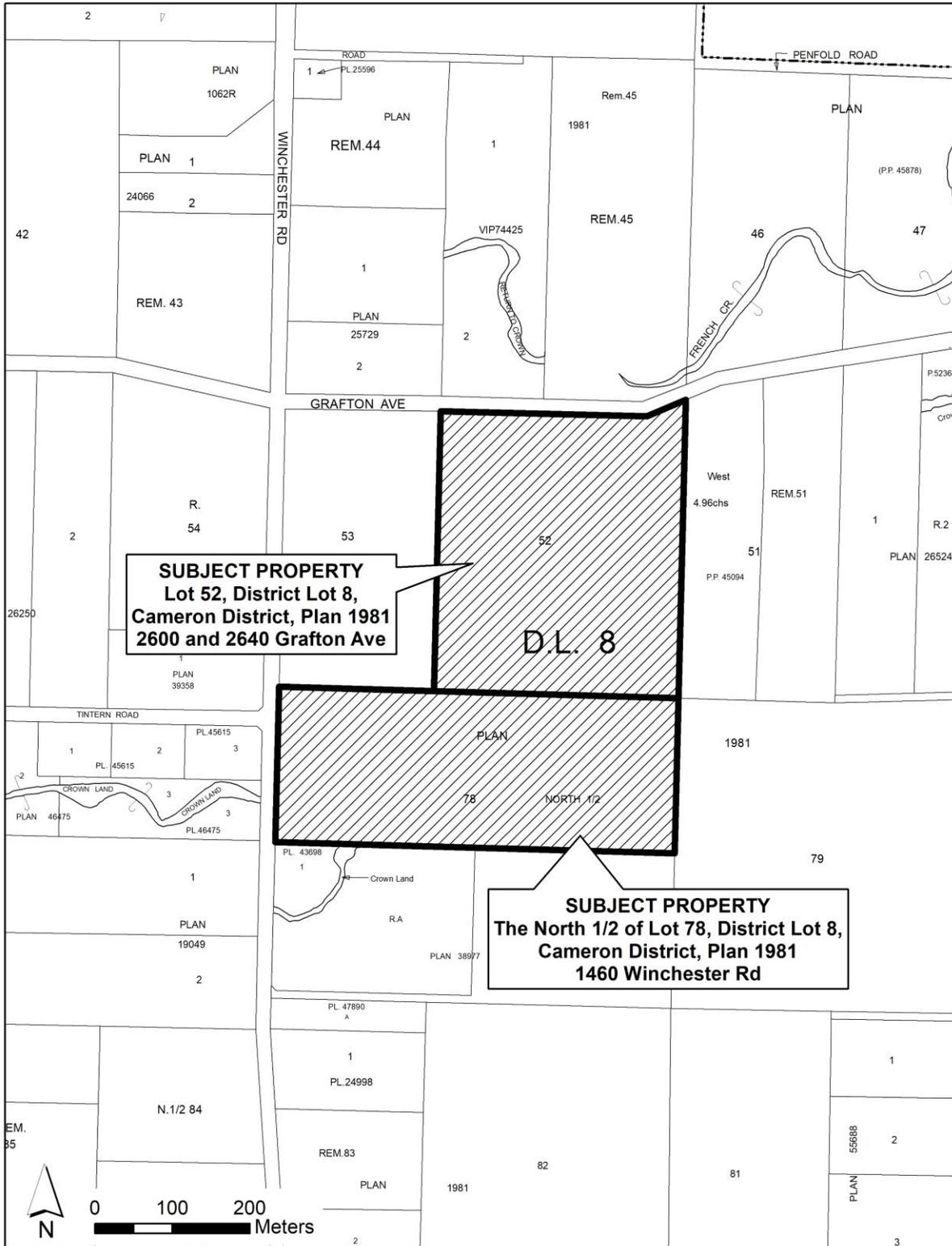
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

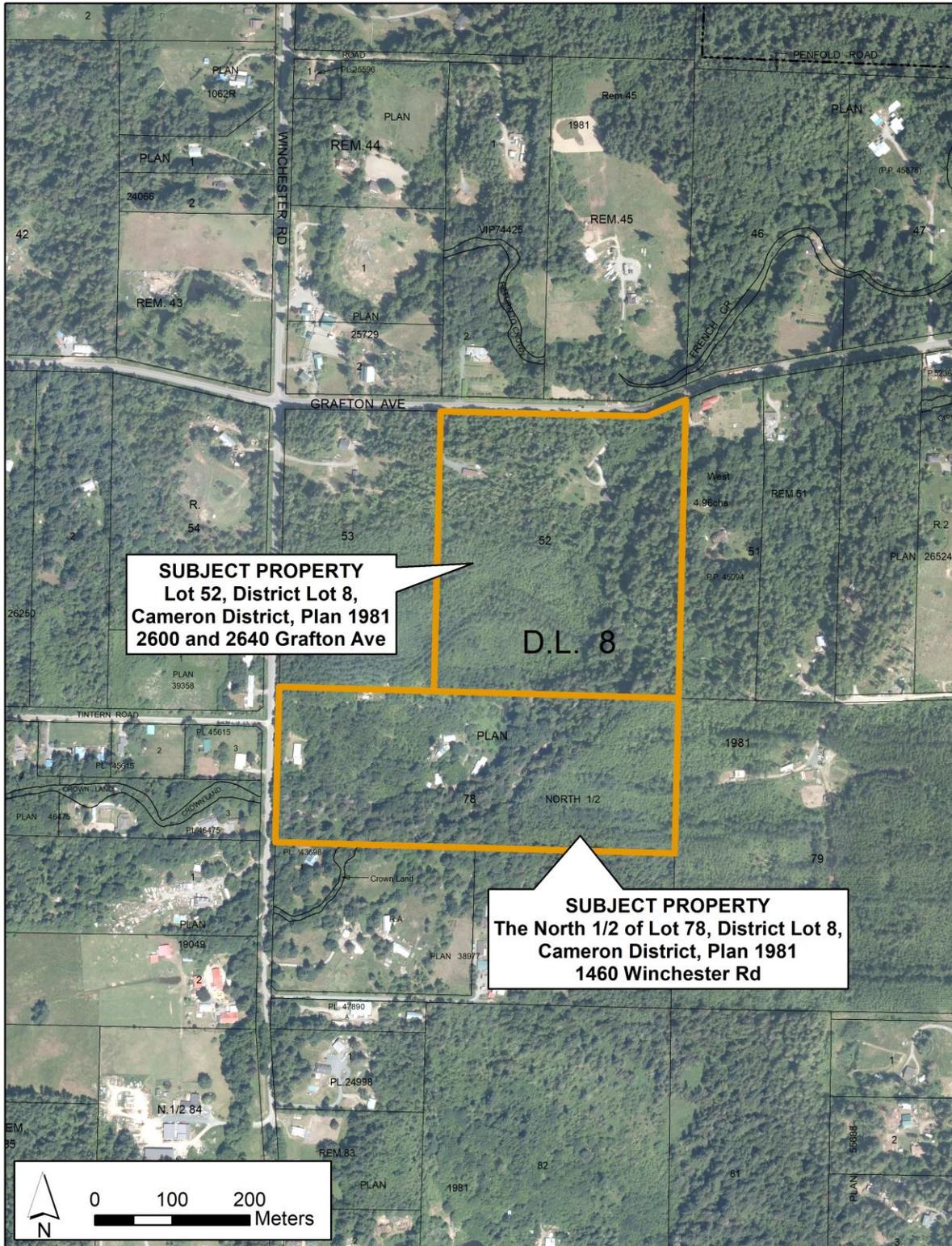
Attachments:

1. Subject Property Map
2. 2018 Aerial Photo
3. Proposed Site Plan
4. Existing Zoning
5. Official Community Plan Land Use Designation
6. Regional Growth Strategy Land Use Designation
7. Regional Growth Strategy Goal 7 - Enhance Economic Resiliency – Agriculture
8. Regional Growth Strategy Goal 8 – Food Security
9. Applicant's Submission

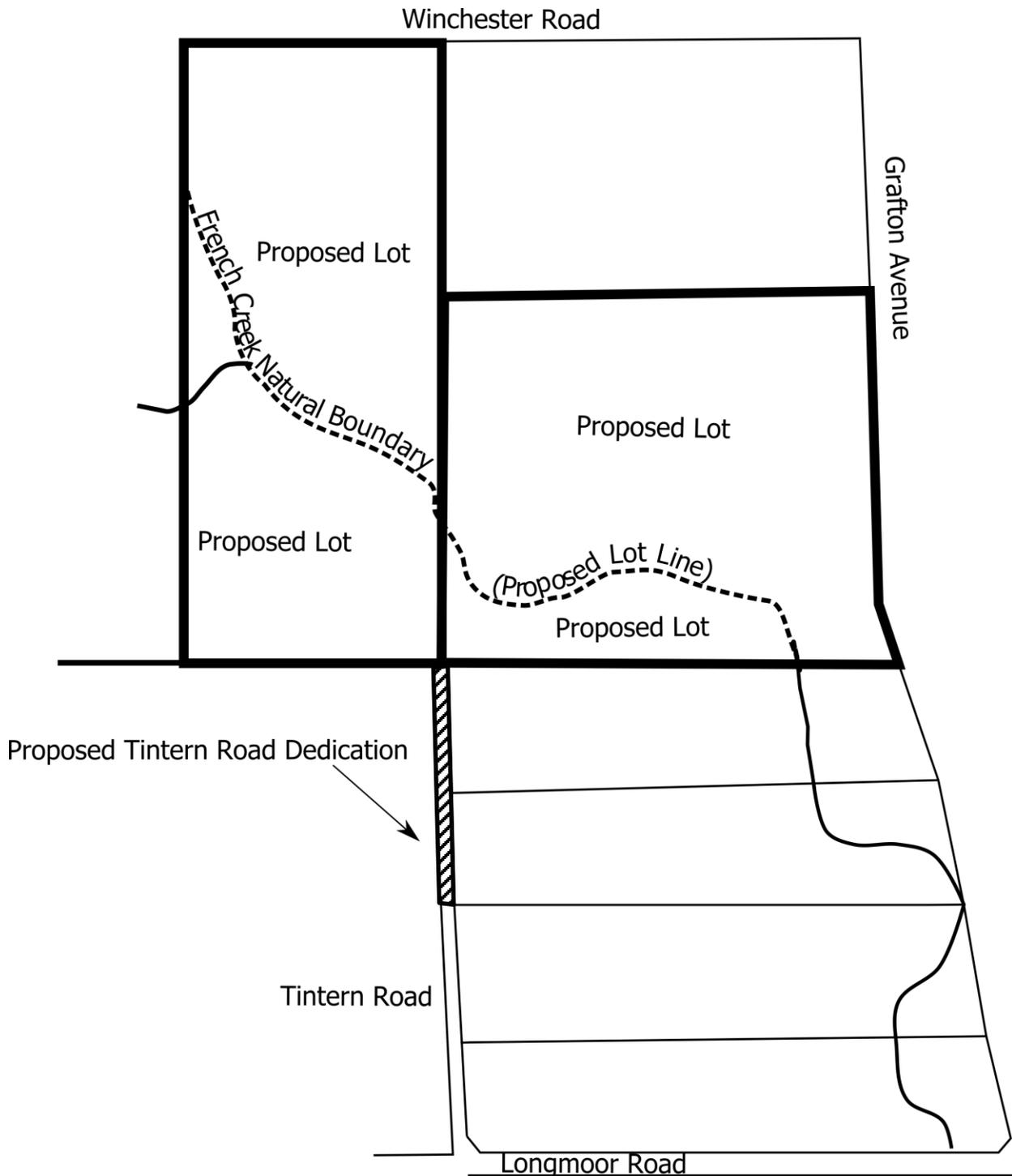
**Attachment 1
Subject Property Map**



Attachment 2
2018 Aerial Photo



**Attachment 3
Proposed Site Plan**



**Attachment 4
 Existing Zoning (Page 1 of 2)**



Section 4 – Zones
 Page 4-1

A-1 – AGRICULTURE 1	SECTION 4.1¹
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4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use – on lands located in the Agricultural Land Reserve
- c) Agriculture – on lands not located in the Agricultural Land Reserve

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite²

4.1.3 Permitted Accessory Farm Uses

- a) Agriculture Education and Research
- b) Temporary Sawmill
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products
- e) Gathering for an Event³

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from	i) Front and Exterior Side Lot Lines	4.5 metres
	ii) All Other Lot Lines	2.0 metres
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.26, adopted June 28, 2016

² Bylaw No. 1285.19, adopted May 27, 2014

³ Bylaw No. 1285.29, adopted May 22, 2018

This is an excerpt only from “Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002” and should not be used for interpretive or legal purposes without reference to the entire Bylaw.

Attachment 4
Existing Zoning (Page 2 of 2)

4.1.5 Regulations

- a) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act* and *Regulations*, and applicable orders of the Agricultural Land Commission.

4.1.6 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ¹

¹ Bylaw No. 1285.01, adopted April 13, 2004

Attachment 5 Official Community Plan Land Use Designation

Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999

General Policies

1. Despite the size of current lots in these areas, newly created lots within this designation shall have a minimum permitted parcel size of 2.0 hectares.
2. Permitted uses shall be rural uses, home based businesses, and accessory uses.
3. Residential development shall be permitted at a maximum density of 1 dwelling unit per 1.0 hectare to a maximum of 2 dwelling units per parcel.
4. Additional existing dwelling units may be recognized on certain parcels subject to the conditions outlined in the zoning bylaw and the criteria outlined in this OCP.



Resource Lands

This designation applies to lands that are valued for agriculture, forestry, natural resource extraction or environmental conservation opportunities. This Plan designates as Resource Lands, lands located within the Agricultural Land Reserve, Forest Land Reserve, as well as Crown lands other than lands designated as Park Land. Lands designated Resource Lands are illustrated on Map No. 2.

It is recognized that there is a wide range of home based business activities occurring on ALR lands in Electoral Area 'F'. The Regional District of Nanaimo shall negotiate with the Agricultural Land Commission to obtain a General Order for Electoral Area 'F' to allow for an expanded definition of home based businesses beyond what is normally permitted by the ALC.

Objectives

1. Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
2. Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

General Policies

1. For properties within the ALR or FLR, the regulations and policies of the ALC and FLC apply. These properties may also be subject to other local government bylaws.
2. A 4.0-hectare minimum permitted parcel size for future subdivision shall apply to all lands designated Resource and currently situated in the ALR.
3. A 50.0-hectare minimum permitted lot size for future subdivision shall apply to all lands designated Resource and currently situated in the FLR or Crown lands.
4. Future residential development on Resource Lands shall be limited to one dwelling unit per parcel. Two dwelling units per parcel may be permitted where approval has been received from the ALC or FLC, if necessary, and subject to the zoning on the property.
5. Permitted uses shall be associated with those uses supported by the ALC and FLC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds.
6. Where land is removed from the ALR or FLR, the Resource Lands designation shall remain and the permitted uses shall be limited to rural/resource activities as defined in the OCP and zoning.

Attachment 6 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.test

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 7

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

**Attachment 9
Applicant's Submission**



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59364

Application Status: Under LG Review

Applicant: Catherine Bluck , Gyorgy Somfai

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 06/27/2019

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: subdivision based on natural boundary (FRENCH CREEK)

Mailing Address:



Primary Phone: [REDACTED]

Mobile Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 006-624-677
Legal Description: L 52 DL 8 CAMERON DISTRICT PL 1981
Parcel Area: 11.1 ha
Civic Address: 2600 Grafton ave, qualicum beach,bc, v9k1y1
Date of Purchase: 04/10/2001
Farm Classification: No

Owners

1. **Name:** Catherine Bluck
Address:



Phone: [REDACTED]

Email: [REDACTED]

2. **Name:** Gyorgy Somfai
Address:



Phone: [REDACTED]

Applicant: Catherine Bluck , Gyorgy Somfai

Cell: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

no agriculture

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

no agricultural improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

residential

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: residential use

East

Land Use Type: Residential

Specify Activity: residential use

South

Land Use Type: Residential

Specify Activity: residential use

West

Land Use Type: Residential

Specify Activity: residential use

Proposal

1. Enter the total number of lots proposed for your property.

7 ha

4.1 ha

2. What is the purpose of the proposal?

subdivision based on natural boundary (FRENCH CREEK)

3. Why do you believe this parcel is suitable for subdivision?

french creek subdivides property, resulting in a significant portion that is landlocked and inaccessible.

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes, provides access to otherwise landlocked portion.

Applicant: Catherine Bluck , Gyorgy Somfai

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Proposal Sketch - 59364
- Other correspondence or file information - moti,letter
- Other correspondence or file information - sketch
- Other correspondence or file information - sketch
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Certificate of Title - 006-624-677

ALC Attachments

None.

Decisions

None.



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59385

Application Status: Under LG Review

Applicant: Ullrich Stefan Vogel

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 06/27/2019

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: subdivision based on natural boundary (FRENCH CREEK)

Mailing Address:



Primary Phone: [REDACTED]

Mobile Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 006-626-050
Legal Description: THE NORTH 1/2 OF L 78 DL 8 CAMERON DISTRICT PL 1981
Parcel Area: 11.1 ha
Civic Address:
Date of Purchase: 06/15/2002
Farm Classification: No

Owners

- Name:** Ullrich Stefan Vogel
Address:



Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Ownership or Interest in Other Lands Within This Community

- Ownership Type:** Fee Simple

Applicant: Ullrich Stefan Vogel

Parcel Identifier: 006-624-596
Owner with Parcel Interest: Ullrich Stefan Vogel
Parcel Area: 3.9 ha
Land Use Type: Residential
Interest Type: Full Ownership

Current Use of Parcels Under Application

- 1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
no agriculture
- 2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**
no agricultural improvements
- 3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**
residential

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: residential use

East

Land Use Type: Residential
Specify Activity: residential use

South

Land Use Type: Residential
Specify Activity: residential use

West

Land Use Type: Residential
Specify Activity: residential use

Proposal

- 1. Enter the total number of lots proposed for your property.**
5.6 ha
5.5 ha
- 2. What is the purpose of the proposal?**
subdivision based on natural boundary (FRENCH CREEK)
- 3. Why do you believe this parcel is suitable for subdivision?**
french creek subdivides property, resulting in a significant portion that is landlocked and inaccessible.
- 4. Does the proposal support agriculture in the short or long term? Please explain.**

Applicant: Ullrich Stefan Vogel

Yes, will provide access to an otherwise landlocked portion

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Other correspondence or file information - dedication documents
- Proposal Sketch - 59385
- Other correspondence or file information - moti,letter
- Other correspondence or file information - sketch
- Other correspondence or file information - sketch
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Other correspondence or file information - dedication documents
- Certificate of Title - 006-626-050

ALC Attachments

None.

Decisions

None.

Applicant: Ullrich Stefan Vogel



BRITISH COLUMBIA
LAND TITLE ACT

STATE OF TITLE CERTIFICATE

JOHN A HOSSACK AND CO
P.O. BOX 1486
PARKSVILLE BC V9P 2H4

YOUR FILE NUMBER: 10,305

LAND TITLE OFFICE, VICTORIA, BRITISH COLUMBIA

CERTIFICATE NO: STVI0235791

TITLE NO: ES15422 VI

THIS IS TO CERTIFY THAT AT 08:24 ON 18 APRIL, 2001,
THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED AND IS SUBJECT
TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE IS TO BE READ SUBJECT TO THE
PROVISIONS OF SECTION 23(2) OF THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250)
AND SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).



APPLICATION FOR REGISTRATION RECEIVED ON: 01 MARCH, 2001
ENTERED: 10 APRIL, 2001

REGISTERED OWNER IN FEE SIMPLE:
CATHERINE MARY BLUCK, CHIROPRACTOR,



TAXATION AUTHORITY:
PORT ALBERNI ASSESSMENT AREA

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 006-624-677
LOT 52, DISTRICT LOT 8, CAMERON DISTRICT, PLAN 1981

LEGAL NOTATIONS:
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED
26TH JULY, 1974

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE
ESQUIMALT AND NANAIMO
RAILWAY COMPANY
M76300

REMARKS: A.F.B. 9.693.7434A, DD991N.
FOR ACTUAL DATE AND TIME OF REGISTRATION
SEE ORIGINAL GRANT FROM THE E AND N RAILWAY
COMPANY FILED UNDER DD991N.

UNDERSURFACE RIGHTS

LAND TITLE ACT

STATE OF TITLE CERTIFICATE

DAVIS & AVIS
BOX 1600
PARKSVILLE BC V0R 2S0

PICK UP: VICTORIA
BY: BEST SEARCH

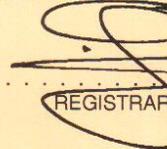
YOUR FILE NUMBER:
VOGEL 21104

LAND TITLE DISTRICT: VICTORIA, BRITISH COLUMBIA

CERTIFICATE NO: STBC1203851

TITLE NO: FB49520

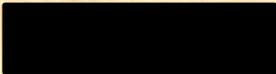
THIS IS TO CERTIFY THAT AT 05:38 ON 16 NOVEMBER, 2007,
THE STATE OF THE TITLE TO THE LAND DESCRIBED HEREIN IS AS STATED
AND IS SUBJECT TO THE NOTATIONS APPEARING BELOW. THIS CERTIFICATE
IS TO BE READ SUBJECT TO THE PROVISIONS OF SECTION 23(2) OF
THE LAND TITLE ACT (R.S.B.C. 1996 CHAPTER 250) AND MAY BE AFFECTED BY
SECTIONS 50 AND 55-58 OF THE LAND ACT (R.S.B.C. 1996 CHAPTER 245).


REGISTRAR



APPLICATION FOR REGISTRATION RECEIVED ON: 18 MAY, 2007
ENTERED: 26 MAY, 2007

REGISTERED OWNER IN FEE SIMPLE:
ULLRICH STEFAN VOGEL, RETIRED



*ORIGINALLY PURCHASED
AS A SPOUSE IN 02*

TAXATION AUTHORITY:
PORT ALBERNI ASSESSMENT AREA

DESCRIPTION OF LAND:
PARCEL IDENTIFIER: 006-626-050
THE NORTH 1/2 OF LOT 78, DISTRICT LOT 8, CAMERON DISTRICT, PLAN 1981

LEGAL NOTATIONS:
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED
26TH JULY, 1974

CHARGES, LIENS AND INTERESTS:
NATURE OF CHARGE
CHARGE NUMBER DATE TIME

EXCEPTIONS AND RESERVATIONS
M76300
REGISTERED OWNER OF CHARGE
ESQUIMALT AND NANAIMO RAILWAY COMPANY
M76300

REMARKS: AFB 9.693.7434A 184460G SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION.

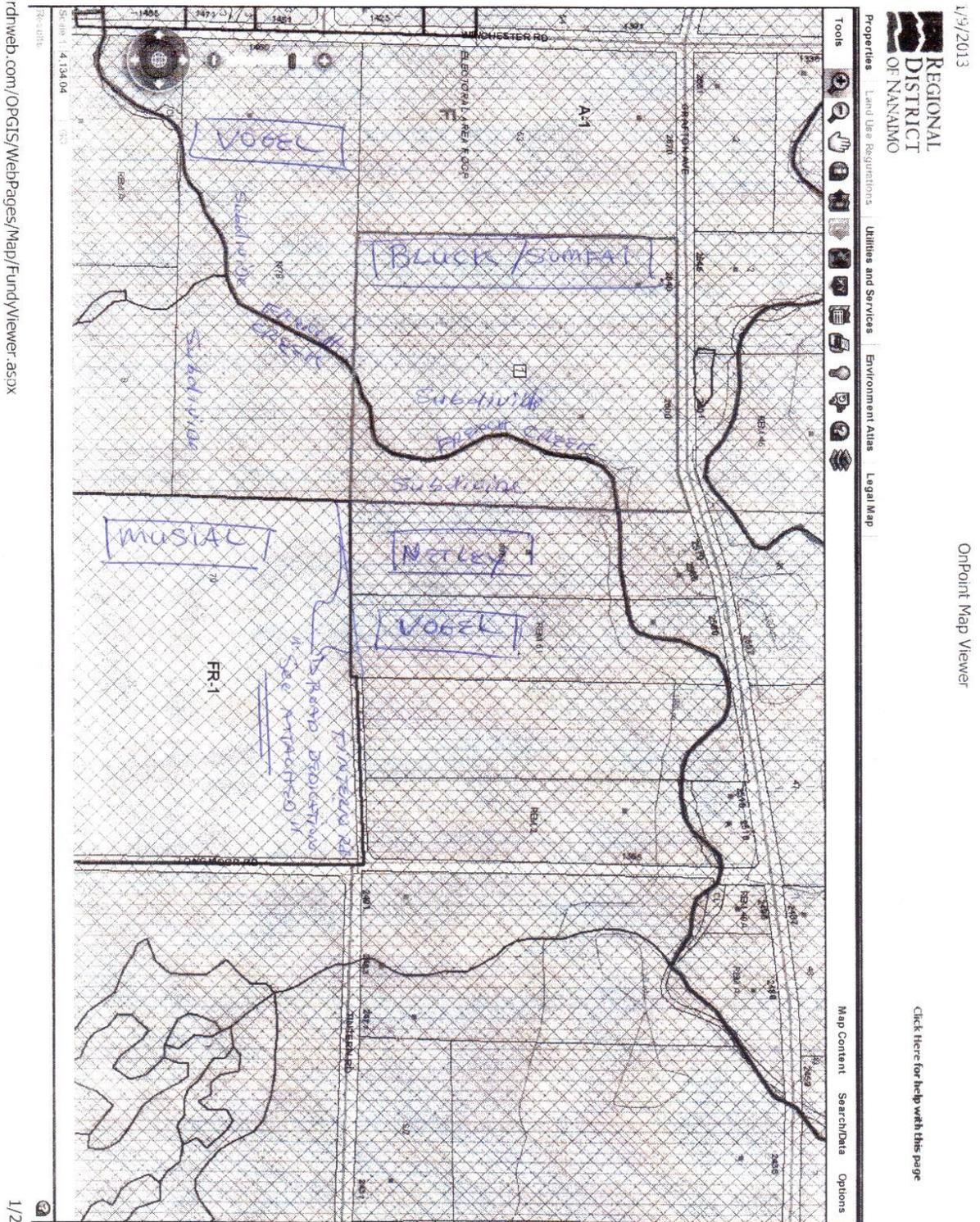
From: Pirozzini, Bryce TRAN:EX
Sent: Wednesday, June 19, 2019 11:53 AM
To: [REDACTED]
Cc: Pearson, Michael TRAN:EX
Subject: Tintern Road - Subdivision Application

Hi Gabrielle/Steve,

The ministry has reviewed the information provided to date and will consider a 10m wide dedication, granted that a subdivision application is made to the ministry, and that all conditions of subdivision are fulfilled. This could include confirmation of an agreement with the adjacent landowner to sell you the land needed for the road dedication, as well as confirming that the subject land to be dedicated as road is cleared of any contamination concerns.

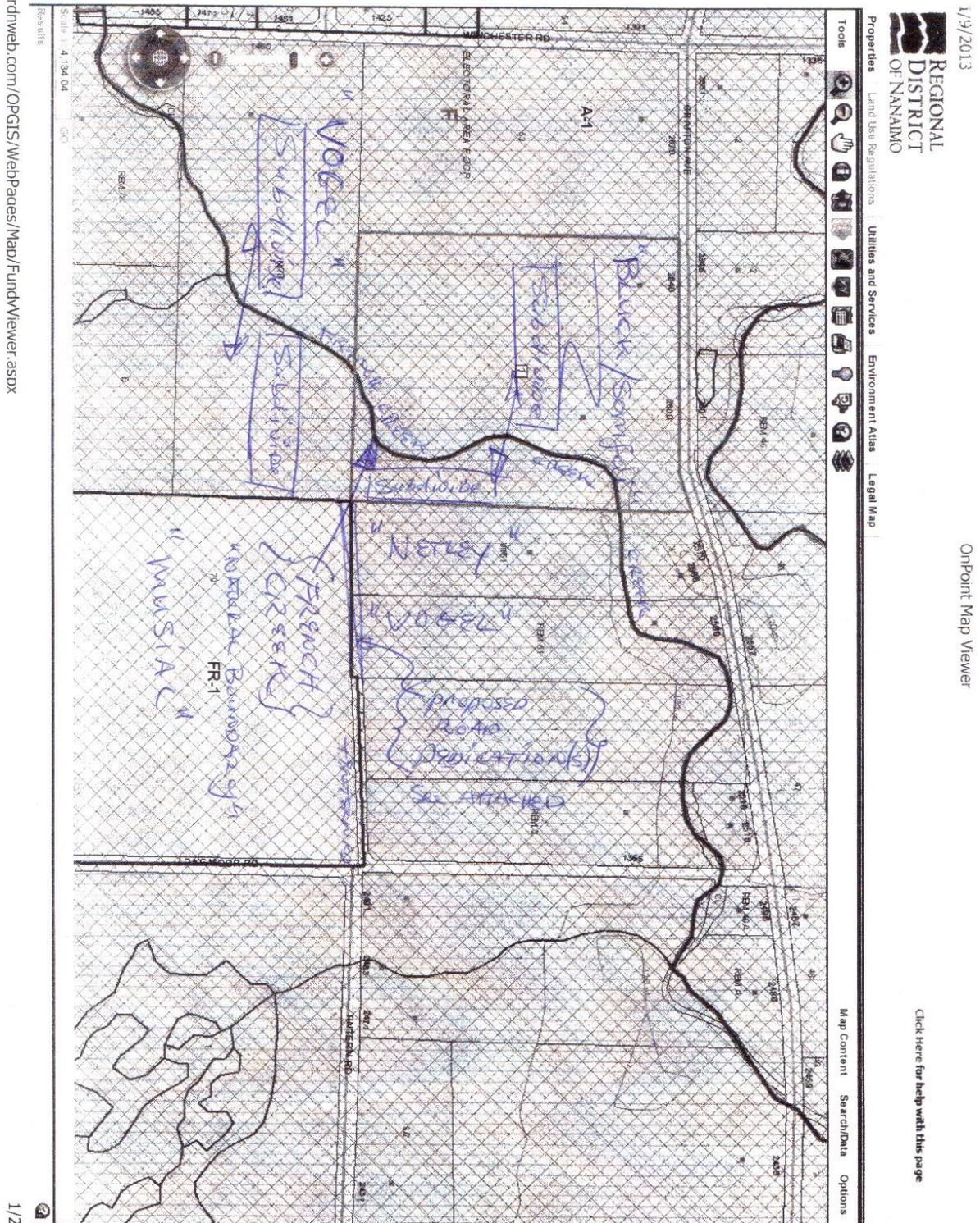
Kind regards,

Bryce Pirozzini | Development Approvals Technician
Vancouver Island District | Nanaimo
Ministry of Transportation and Infrastructure
Office: 250-751-7089
Email: Bryce.Pirozzini@gov.bc.ca

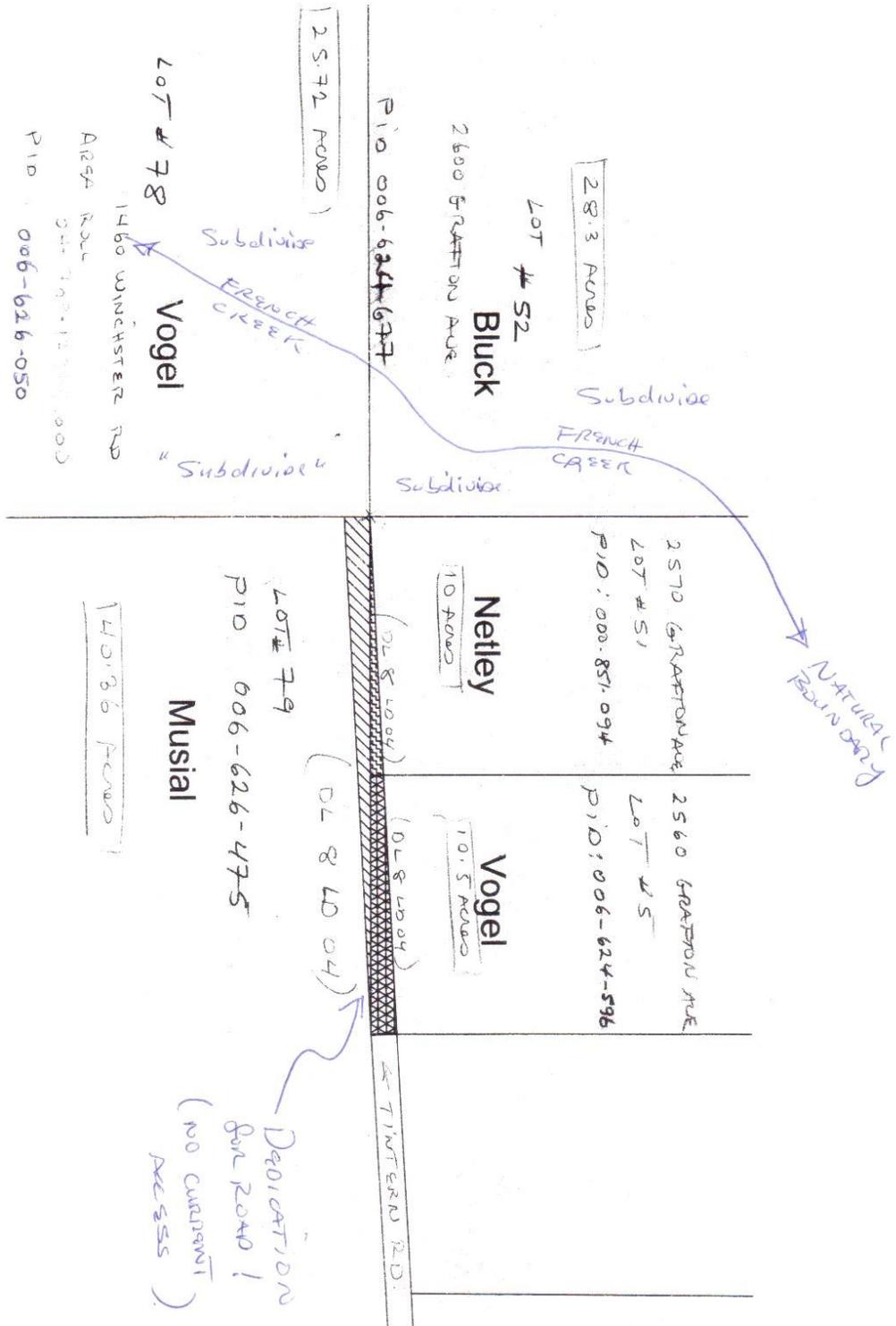


rdnweb.com/OPGIS/WebPages/Map/FundViewer.aspx

1/2



rdmweb.com/OPGIS/WebPages/Map/FundViewer.aspx



n D u

THIS AGREEMENT is dated for reference the _____ day of October 2018

BETWEEN:

CATHERINE MARY BLUCK
and
GYORGY GABOR SOMFAI
(hereinafter referred to as "Bluck-Somfai")

of the first part

whom may also be referred to as "the Grantee"

AND:

ULLRICH STEFAN VOGEL
(hereinafter referred to as "Vogel")

of the second part

AND:

AUDREY PATRICIA NETLEY
and
JAMIE ALLAN NETLEY
and
STEPHANIE MARY ELIZABETH NETLEY
(hereinafter referred to as "Netley")

of the third part

AND:

JESSIE MICHAEL MUSIAL
and
BRANDALYN SARAH RAE MUSIAL
(hereinafter referred to as "Musial")

of the fourth part

all of whom may also be referred to as "the Grantors"

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
as represented by the Minister of Transportation and Infrastructure
Parliament Buildings, Victoria, BC, V8V 1X4
(hereinafter referred to as "the Covenantee")

of the fifth part

INITIALS										
CB	GS	_____	UV	_____	AN	JN	SN	_____	JM	BM

Recitals

WHEREAS the parties hereto (with the exception of Her Majesty the Queen in right of the Province of British Columbia) each own lands which are either adjacent to or nearby;

AND WHEREAS the party of the first part is desirous of obtaining from the other parties, agreement to dedicate to *Her Majesty the Queen in right of the Province of British Columbia*, portions of the lands of the parties of the second part and the third part and the fourth part upon terms that are agreeable between the parties for the purpose of allowing the party of the first part to apply for and obtain sub-division of their lands;

AND WHEREAS the land involved in this Agreement are legally described as:

- Firstly: PID: 006-624-677
 Lot 52, District Lot 8, Cameron District, Plan 1981
 Owned by (Bluck--Somfai)
 (a copy of which title is attached hereto as Schedule "A")
 also referred to as "the Dominant Land"
- Secondly: PID: 006-624-596
 Lot 51, District Lot 8, Cameron District, Plan 1981 except the Westerly 4.96 chains.
 Owned by: (Vogel)
 (a copy of which title is attached hereto as Schedule "B")
 also referred to as the "Servient Land"
- Thirdly: PID: 000-851-094
 The Westerly 4.96 chains of Lot 51, District Lot 8, Cameron District, Plan 1981
 Owned by (Netley)
 (a copy of which title is attached as Schedule "C")
 also referred to as the "Servient Land"
- Fourthly: PID: 006-626-475
 Lot 79, District Lot 8, Cameron District, Plan 1981

INITIALS										
CB	GS	-----	UV	-----	AN	JN	SN	-----	JM	BM

Owned by (Musial)
(a copy of which title is attached as Schedule "D")
also referred to as the "Servient Land"

AND WHEREAS the Grantors have agreed to grant and dedicate to the Crown as a public right of way, those portions of their lands to permit the creation of a 10 metre strip of land and shown on the sketch attached to this Agreement as Schedule "E", and which lands will be outlined in bold on a Reference Plan to be prepared by a British Columbia Land Surveyor with Sims Associates, a reduced copy of which will be part of the formal application for sub-division by Bluck-Somfai.

AND WHEREAS Section 219 of the *Land Title Act* provides, inter alia, that there may be registered as a charge against the title to land, a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building or a building to be erected on land, in favour of a Municipality or the Crown;

AND WHEREAS the Grantors have agreed to restrictions on the use of portions of the Servient Tenement to secure access to lands beyond.

The Agreement

NOW THEREFORE, in consideration of the sum of **Ten (\$10.00) Dollars** paid by CATHERINE MARY BLUCK and GYORGY GABOR SOMFAI paid to the party of the second part (Vogel), and to the party of the third part (Netley) and to the party of the fourth part (Musial) to this Agreement, (the receipt and sufficiency of which is hereby acknowledged by each receiving party), and pursuant to s.219 of the *Land Title Act*, the Grantors and the Grantee hereto covenant and do agree between themselves and covenant and agree with the Covenantee as follows:-

1. the Grantors and each of them agree to grant and dedicate to the Crown as a public right of way, those portions of their lands shown as the Dominant Tenement to permit the creation of a 10 metre strip of land and shown on the sketch attached to this Agreement as Schedule "E", and which lands are to be outlined in bold on a Reference Plan to be prepared by a British Columbia Land Surveyor with Sims Associates, a reduced copy of which will be attached to the formal application for sub-division by Bluck-Somfai.
2. The Grantors hereby grant to the Grantee, for themselves and for their employees, licencees, agents and invitees, the right of way to enter, be on, leave and pass, with or without animals, vehicles or machinery:-

INITIALS										
CB	GS	---	UV	---	AN	JN	SN	---	JM	BM

<p>DAVID A. FREEMAN BARRISTER AND SOLICITOR* LOCUM FOR LAWYERS</p> <p>* also of the N Ireland and English Bars</p>	<p>P.O. BOX 415 QUALICUM BEACH, BC, V9K 1S9</p> <p>PHONE: (250) 752 4249 FAX: (250) 752 3611 thelocumlawyer@gmail.com</p>
---	---

YOUR FILE

MY FILE 16420-18

DATE 24 October 2018

Mr. & Mrs. Jesse Musial



Dear Mr. Mrs. Musial,

Re: Subdivision application by Cathy Bluck and Gabriel Somfai

I am the solicitor for your neighbours, Catherine Mary Bluck and Gyorgy Gabor Somfai.

I understand that you have reached an agreement with them regarding you granting a portion of your land to create a roadway allowance.

Accordingly, I enclose for your review and signature, 2 originally-signed copies of the Agreement and request that you review same, together with your lawyer, if you so decide.

If found satisfactory, please execute both copies, retaining for yourself the document with the \$10.00 note consideration and return the other fully executed copy to my office at your earliest opportunity.

Do not hesitate for your lawyer or yourself to contact me if you have any questions.

Yours very truly,

David A. Freeman
DAF/mg

Enclosures
pc to clients

Please note this office is closed every Friday

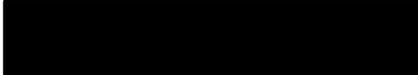
<p>DAVID A. FREEMAN BARRISTER AND SOLICITOR* LOCUM FOR LAWYERS</p> <p>* also of the N Ireland and English Bars</p>	<p>P.O. BOX 415 QUALICUM BEACH, BC, V9K 1S9</p> <p>PHONE: (250) 752 4249 FAX: (250) 752 3611 thelocumlawyer@gmail.com</p>
---	---

YOUR FILE

MY FILE 16420-18

DATE 24 October 2018

Mrs Audrey Netley
Mrs. Jamie Netley and Ms. Stephanie Netley



CLIENT'S COPY

Dear Mrs. Netley, Mr. Netley and Ms. Netley,

Re: Subdivision application by Cathy Bluck and Gabriel Somfai

I am the solicitor for your neighbours, Catherine Mary Bluck and Gyorgy Gabor Somfai.

I understand that you have reached an agreement with them regarding you granting a portion of your land to create a roadway allowance.

Accordingly, I enclose for your review and signature, 2 originally-signed copies of the Agreement and request that you review same, together with your lawyer, if you so decide.

If found satisfactory, please execute both copies, retaining for yourself the document with the \$10.00 note consideration and return the other fully executed copy to my office at your earliest opportunity.

Do not hesitate for your lawyer or yourself to contact me if you have any questions.

Yours very truly,

David A. Freeman
DAF\mg

Enclosures
pc to clients

Please note this office is closed every Friday

<p>DAVID A. FREEMAN BARRISTER AND SOLICITOR* <i>LOCUM FOR LAWYERS</i></p> <p>* also of the N Ireland and English Bars</p>	<p>P.O. BOX 415 QUALICUM BEACH, BC, V9K 1S9</p> <p>PHONE: (250) 752 4249 FAX: (250) 752 3611 thelocumlawyer@gmail.com</p>
--	--

YOUR FILE

MY FILE 16420-18

DATE 24 October 2018

Mr. Ullrich Stefan Vogel



CLIENT'S COPY

Dear Mr. Vogel,

Re: Subdivision application by Cathy Bluck and Gabriel Somfai

I am the solicitor for your neighbours, Catherine Mary Bluck and Gyorgy Gabor Somfai.

I understand that you have reached an agreement with them regarding you granting a portion of your land to create a roadway allowance.

Accordingly, I enclose for your review and signature, 2 originally-signed copies of the Agreement and request that you review same, together with your lawyer, if you so decide.

If found satisfactory, please execute both copies, retaining for yourself the document with the \$10.00 note consideration and return the other fully executed copy to my office at your earliest opportunity.

Do not hesitate for your lawyer or yourself to contact me if you have any questions.

Yours very truly,

David A. Freeman
DAF/mg

Enclosures
pc to clients

Please note this office is closed every Friday

THIS AGREEMENT is dated for reference the _____ day of October 2018

BETWEEN:

CATHERINE MARY BLUCK
and
GYORGY GABOR SOMFAI
(hereinafter referred to as "Bluck-Somfai")

CLIENT'S COPY

of the first part

whom may also be referred to as "the Grantee"

AND:

ULLRICH STEFAN VOGEL
(hereinafter referred to as "Vogel")

of the second part

AND:

AUDREY PATRICIA NETLEY
and
JAMIE ALLAN NETLEY
and
STEPHANIE MARY ELIZABETH NETLEY
(hereinafter referred to as "Netley")

of the third part

AND:

JESSE MICHAEL MUSIAL
and
BRANDALYN SARAH RAE MUSIAL
(hereinafter referred to as "Musial")

of the fourth part

all of whom may also be referred to as "the Grantors"

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
as represented by the **Minister of Transportation and Infrastructure**
Parliament Buildings, Victoria, BC, V8V 1X4
(hereinafter referred to as "the Covenantee")

of the fifth part

INITIALS

CB	GS	-----	UV	-----	AN	JN	SN	-----	JM	BM
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Recitals

WHEREAS the parties hereto (with the exception of Her Majesty the Queen in right of the Province of British Columbia) each own lands which are either adjacent or nearby;

AND WHEREAS the party of the first part is desirous of obtaining from the other parties, agreement to dedicate to *Her Majesty the Queen in right of the Province of British Columbia*, portions of the lands of the parties of the second part and the third part and the fourth part upon terms that are agreeable between the parties for the purpose of allowing the party of the first part to apply for and obtain sub-division of their lands;

AND WHEREAS the land involved in this Agreement are legally described as:

- Firstly: PID: 006-624-677
Lot 52, District Lot 8, Cameron District, Plan 1981
Owned by (Bluck--Somfai)
(a copy of which title is attached hereto as **Schedule "A"**)
also referred to as "the Dominant Land"

- Secondly: PID: 006-624-596
Lot 51, District Lot 8, Cameron District, Plan 1981 except the Westerly 4.96 chains.
Owned by: (Vogel)
(a copy of which title is attached hereto as **Schedule "B"**)
also referred to as the "Servient Land"

- Thirdly: PID: 000-851-094
The Westerly 4.96 chains of Lot 51, District Lot 8, Cameron District, Plan 1981
Owned by (Netley)
(a copy of which title is attached as **Schedule "C"**)
also referred to as the "Servient Land"

- Fourthly: PID: 006-626-475
Lot 79, District Lot 8, Cameron District, Plan 1981
Owned by (Musial)

INITIALS

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(a copy of which title is attached as **Schedule “D”**)
also referred to as the “Servient Land”

AND WHEREAS the Grantors have agreed to grant and dedicate to the Crown as a public right of way, those portions of their lands to permit the creation of a 10 metre strip of land and shown on the sketch attached to this Agreement as **Schedule “E”**, and which lands will be outlined in bold on a Reference Plan to be prepared by a British Columbia Land Surveyor selected and approved by the parties herein, a reduced copy of which will be part of the formal application for sub-division by Bluck-Somfai.

AND WHEREAS Section 219 of the *Land Title Act* provides, inter alia, that there may be registered as a charge against the title to land, a covenant, whether of a negative or positive nature, in respect of the use of land or the use of a building or a building to be erected on land, in favour of a Municipality or the Crown;

AND WHEREAS the Grantors have agreed to restrictions on the use of portions of the Servient Tenement to secure access to lands beyond.

The Agreement

NOW THEREFORE, in consideration of the sum of **Ten (\$10.00) Dollars** paid by CATHERINE MARY BLUCK and GYORGY GABOR SOMFAI paid to the party of the second part (Vogel), and to the party of the third part (Netley) and to the party of the fourth part (Musial) to this Agreement, (the receipt and sufficiency of which is hereby acknowledged by each receiving party), and pursuant to s.219 of the *Land Title Act*, the Grantors and the Grantee hereto covenant and do agree between themselves and covenant and agree with the Covenantee as follows:-

1. the Grantors and each of them agree to grant and dedicate to the Crown as a public right of way, those portions of their lands shown as the Servient Tenement to permit the creation of a 10 metre strip of land and shown on the sketch attached to this Agreement as **Schedule “E”**, and which lands are to be outlined in bold on a Reference Plan to be prepared by a British Columbia Land Surveyor selected and approved by the parties herein, a reduced copy of which will be attached to the formal application for sub-division by Bluck-Somfai.
2. The Grantors hereby grant to the Grantee, for themselves and for their employees, licencees, agents and invitees, the right of way to enter, be on, leave and pass, with or without animals, vehicles or machinery:-
 - (a) for the purpose of access to and egress from the Dominant Tenement;

INITIALS

CB	GS	UV	AN	JN	SN	JM	BM			

ALC Application Outcomes - FEB 2014 to OCTOBER 2019

AAC has been providing comment on applications to the Provincial ALC in accordance with RDN Board Policy B1 since February 2014. For information on recent and archived ALC applications and decisions, visit the ALC webpage at <https://www.alc.gov.bc.ca/alc/content/applications-and-decisions>. The applications, AAC comment and ALC decisions are summarized in the following table:

Application No	Application Type	Property Legal/Civic Address	Electoral Area	AAC Recommendation	ALC File No	ALC Decision
PL2014-005	ALC Inclusion / Exclusion	0848214 BC Ltd	H	None provided	53673	Approved
PL2014-010	Subdivision	2455 Holden Corso Road & 1617 Rugg Road	A	Approval	53680	Refused
PL2014-013	Subdivision	531, 533, 539 Parker Road West	G	None provided	53681	Refused
PL2014-017	Subdivision	2670 McLean's Road	C	Approval	54215	Refused
PL2014-027	Subdivision	2729 Parker Road	E	Approval	53723	Approved
PL2014-051	Subdivision	2560 Grafton Ave. & 2555 Tintern Road	F	Approval	53789	Refused
PL2015-057	Nonfarm Use	640 Grovehill Road	H	Approval	54288	Approved
PL2015-160	Subdivision	2116 Alberni Highway	F	None provided	55109	Refused
PL2015-177	Subdivision	Part of Lot 1, Plan 2273, Virginia Road	F	None provided	54599	Refused
PL2016-034	Subdivision	2070 Akenhead Road	A	Approval	54876	Refused
PL2016-035	Nonfarm Use	Lot 1, Plan EPP16024 & Lot C, Plan VIP80909, Hodge's Road	G	Approval	54982	Refused
PL2016-042	Nonfarm Use	2602 Holden Corso Road	A	Approval	55086	Denied

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Application No	Application Type	Property Legal/Civic Address	Electoral Area	AAC Recommendation	ALC File No	ALC Decision
PL2016-064	Nonfarm Use	2347 & 2419 Cedar Road	A	Approval Area 1 Non Approval Area 2	55251	Approved Area 1 11/21/2016 Refused Area 2 11/21/2016
PL2016-096	Subdivision	Rodney Edwards & Laurie Kallin	C	Non Approval	55410	Refused 01/30/2017
PL2016-097	Nonfarm Use	Culverden Holdings Ltd. / Seven Springs Camp and Retreat Centre	E	Approval	55354	Refused 12/21/2016
PL2016-151	Exclusion	Mazzoni & Associates Planning; Ezra Cook Holdings Ltd. Inc. No. 458302	H	Approval	55717	Cancelled 07/13/2017
PL2016-155	Non-Farm Use (Placement of Fill)	Dean Kauwell, Erica Rudischer	C	Approval	55804	Approved 05/15/2017
PL2016-158	Nonfarm Use	Clarke Gourlay, Morningstar Springs Farm Ltd.	G	Approval	55827	Approved 02/28/2017
PL2016-189	Exclusion	1155 Leffler Road, Errington B.C., V0R 1V0	F	Approval	55899	Refused Sept 28, 2017
PL2017-013	Non-Farm Use	3452 Jingle Pot Road	C	No recommendation	55883	Approved June 2017
PL2017-030	CANCELLED				55706	CANCELLED
PL2017-048	Non-Farm Use	1384 Tyler Road	F	Defeated (motion to approve was defeated)	55659	Refused August 2017

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Application No	Application Type	Property Legal/Civic Address	Electoral Area	AAC Recommendation	ALC File No	ALC Decision
PL2017-030	Subdivision	2298 Northwest Bay Road, Nanoose Bay, BC V9P 9B3	E	No recommendation	56569	Refused Oct 2017
PL2017-064	Subdivision	Yellow Point Road / 2437 Quennell Rd	A	No recommendation	56488	Refused Feb 2018
PL2018-017	WITHDRAWN	1430 Ward Rd & 2341 Swayne Rd	F	Refuse	57233	WITHDRAWN
PL2018-024	ON HOLD	3139 Jingle Pot Rd	C	ON HOLD	57244	ON HOLD
PL2017-194	Placement of Fill	1115 Lefler Rd	F	Refuse	56987	Refused 04/01/2019
PL2018-012	Subdivision	2783 & 2789 Haslam Rd	A	Refuse	57224	Refused 09/18/2018
PL2018-075	Non-Farm Use	3452 Jingle Pot Road	C	Approve	57605	Refused 05/30/2019
PL2018-106	Subdivision	2298 Northwest Bay Rd	E	Approve	57716	Refused Feb 2019
PL2018-160	Non-Farm Use		H		58137	On hold
PL2018-144	Non-Farm Use	1330 Hodges Road 1410 Hodges Road	G	Approve	58039	Refused 06/13/2019
PL2018-146	Non-Farm Use	3106 Northwest Bay Rd	E	Approve	58056	Refused 09/05/2019
PL2018-155	Non-Farm Use	3734 Jingle Pot Rd	C	No recommendation	58070	Approved 04/17/2019
PL2019-007	Non-Farm Use	2452 Hemer Road	A	Approve	58437	Refused 06/11/2019
PL2019-009	Non-Farm Use	Lot 5, District lot 35, Wellington District, Plan 3225 Except That Part In Plan 44451/Doumont Rd	C	Refuse	58367	Refused 06/26/2019

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Application No	Application Type	Property Legal/Civic Address	Electoral Area	AAC Recommendation	ALC File No	ALC Decision
PL2019-015	Subdivision	1731 Benham Rd.	A	CANCELLED	58463	CANCELLED
PL2019-047	Non-Farm Use	420 Lowrys Road	G	CANCELLED	58447	CANCELLED
PL2019-060	Non-Farm Use	2300 Fowler	H	CANCELLED	58698	CANCELLED
PL2019-046	Non-Farm Use	981 Virginia Rd	F	CANCELLED	58680	CANCELLED
PL2019-077	Subdivision	2550 Quennell Road	A	Approve	58995	Pending Decision
PL2019-075	Non-Farm Use	1160 Evergreen Way	F	Approve	59004	Pending Decision
PL2019-082	Subdivision	3786 Jingle Pot Rd	C	Approve	59052	Pending Decision
PL2019-103	Non-Farm Use	2483 Pirart Rd	C	Refuse	59096	Pending Decision
PL2019-183	Non-Farm Use	2551 Quennell Rd	A	CANCELLED	59728	CANCELLED
PL2019-135	Subdivision	1460 Winchester Rd	F	October Meeting	59385	
PL2019-136	Subdivision	2600 Grafton Ave	F	October Meeting	59364	
PL2019-165	Subdivision	981 Virginia Rd	F	October Meeting	59854	