



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca

January 16, 2014

ALC File: 53400

Hoerburger Land Surveyors
280 – A Anderton Road
Comox, BC
V9M 1Y2

Dear Mr. Hoerburger:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #399/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission has also attached a Sketch Plan depicting the decision.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads "Liz Sutton". The signature is written in a cursive, flowing style.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #399/2013
Sketch Plan

cc: Comox Valley Regional District (File: 3110-50)

53400d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 28, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53400.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 20.2 ha parcel pursuant to the ALC's *Homesite Severance Policy* in order to create a 2.1 ha lot and a 18.1 ha remainder as divided by Black Creek.

PROPERTY INFORMATION:

Owner: Ronald and Elaine Bohn

Legal: PID: 005-960-703
Lot 2, Block 29, Comox District, Plan 5224, Except That Part in Plan 40101

Location: Black Creek

Size: 20.2 ha

SITE INSPECTION

A site inspection of the subject property was conducted on November 13, 2013. Those in attendance included Commissioner Bullock and Dyson, ALC Planner Liz Sutton, Ronald and Elaine Bohn (Applicants) and Eric Hoerburger (Agent).

The applicants remained at the house and allowed Mr. Hoerburger to tour the subject property on their behalf with the ALC representatives. The Commission noted that Black Creek creates a

natural boundary between the residential portion of the subject property and the proposed 18.1 ha remainder. There is no bridge across the creek and the remainder of the parcel must be accessed by Lalum Road.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Dyson and Liz Sutton gave a verbal summary of the site inspection to all Commission members recorded above.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

COMMISSION CONSIDERATION

After considering the information the Commission concluded that the applicants have provided documentation that Ronald Bohn purchased the property on April 24, 1962.

Conclusion:

The applicants qualify for consideration pursuant to the *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner Bullock

SECONDED BY: Commissioner Dyson

THAT the proposal be approved subject to:

1. The subdivision be in substantial compliance with the plan submitted with the application;
2. The subdivision plan must be completed within three (3) years from the date of this decision; and
3. Compliance with the *Homesite Severance Policy*.

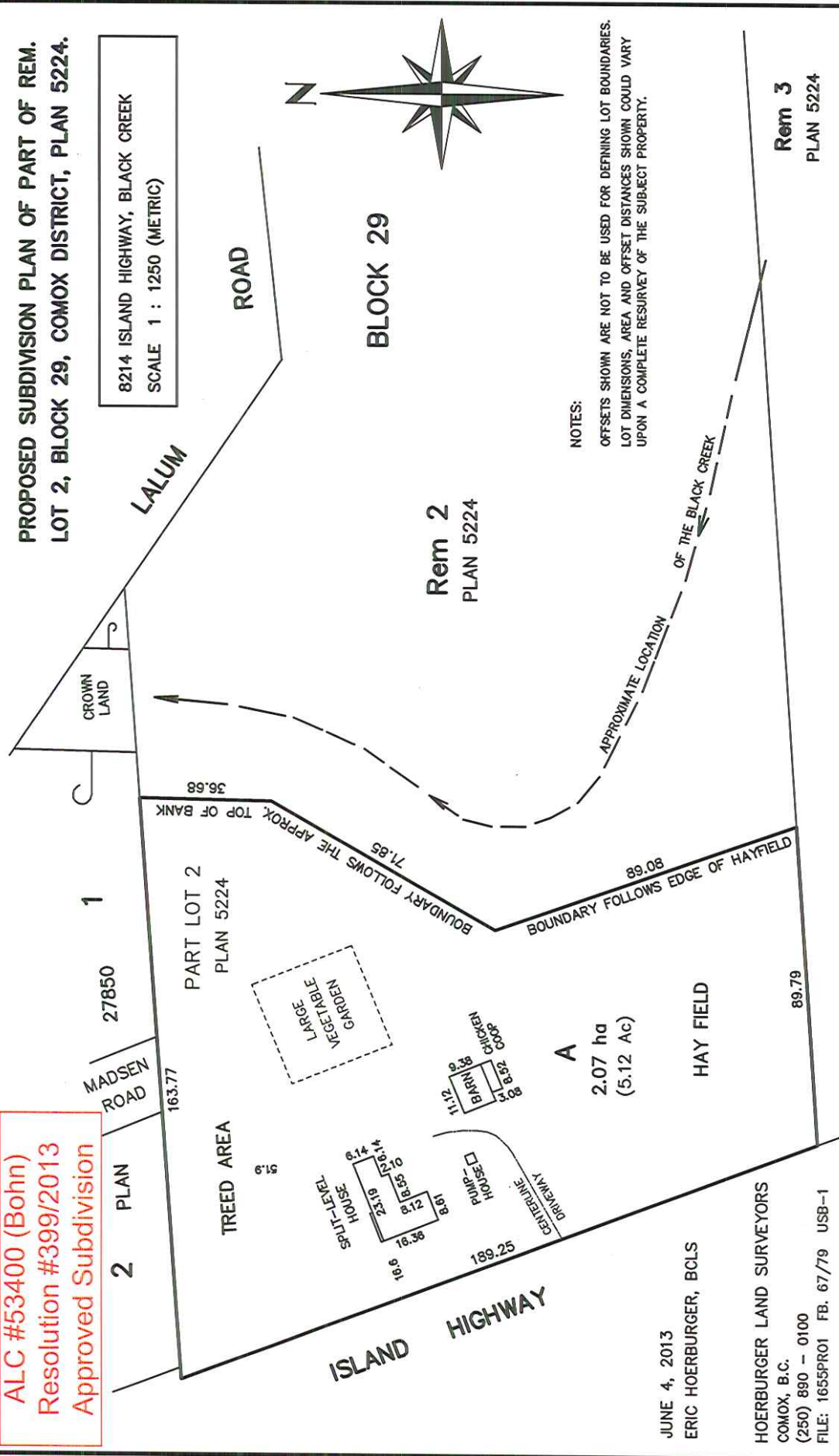
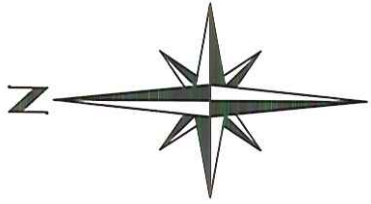
AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #399/2013

**ALC #53400 (Bohn)
Resolution #399/2013
Approved Subdivision**

**PROPOSED SUBDIVISION PLAN OF PART OF REM.
LOT 2, BLOCK 29, COMOX DISTRICT, PLAN 5224.**

8214 ISLAND HIGHWAY, BLACK CREEK
SCALE 1 : 1250 (METRIC)



NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS, AREA AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.

**Rem 3
PLAN 5224**

JUNE 4, 2013
ERIC HOERBURGER, BCLS

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890 - 0100
FILE: 1655PR01 FB. 67/79 USB-1