



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

December 8, 2005

Reply to the attention of Ron Wallace

Angela Lotoski
2882 Olympic Road
Qualicum Beach, BC V9K 2L8

Dear Madam:

Re: Application # S-36317
Lot 8, District Lot 90, Newcastle District, Plan VIP57995

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide 1 ha off the northern portion of the above noted property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on November 15, 2005.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- the inclusion into the ALR of the non-ALR portion of the remnant parcel as shown on the attached plan. An inclusion application is attached. Please note that the application is to be submitted to the Regional District of Nanaimo. There is no application fee for inclusion applications.
- compliance 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. The Commission suggests you contact the Regional District of Nanaimo at your earliest convenience.

The decision noted above is recorded as Resolution #619/2005.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and that the inclusion application has been received it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

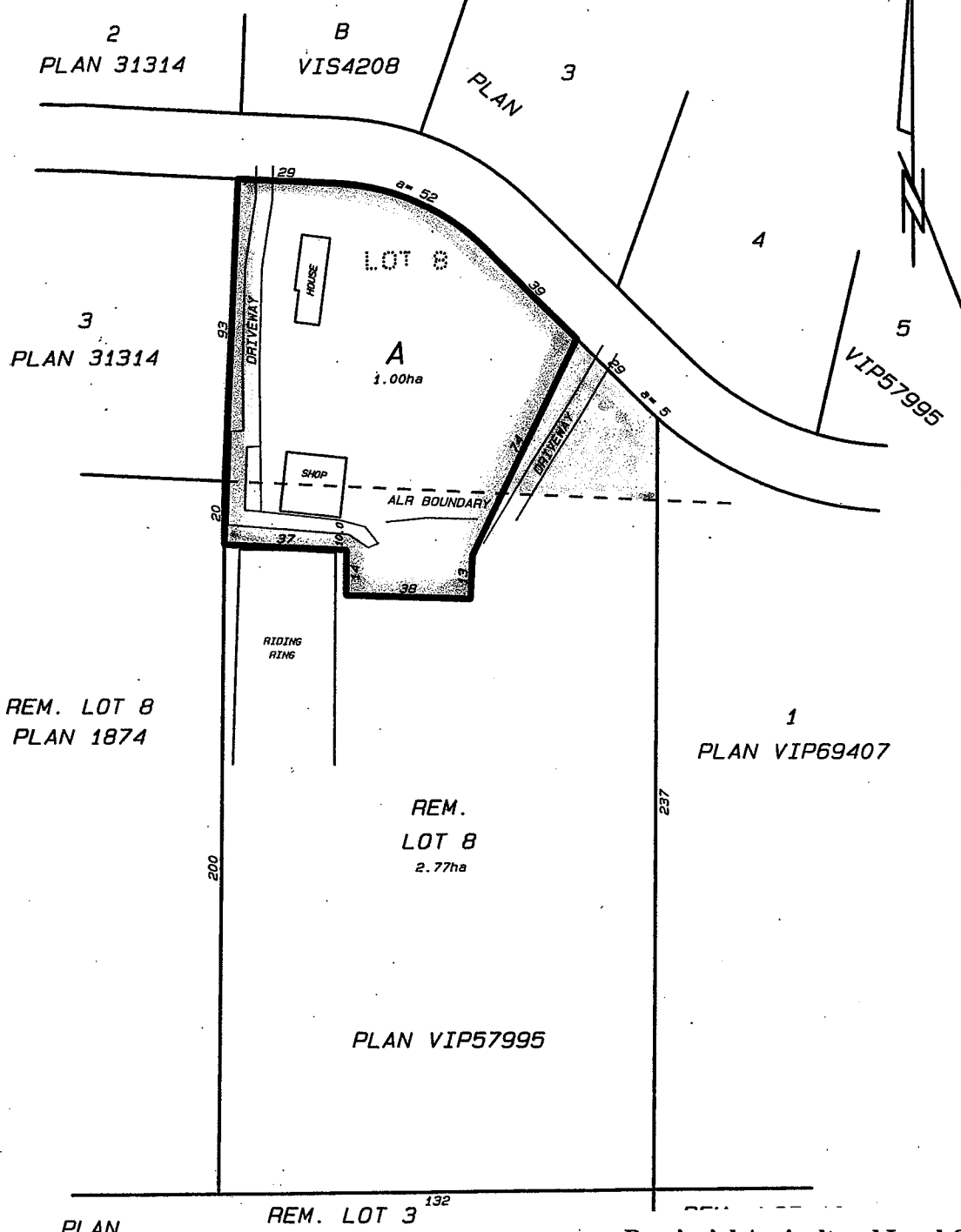
Yours truly,
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Nanaimo – 6635-04-0518
Fern Road Consulting Ltd., PO Box 405, Qualicum Beach, BC V9K 1S9
RW/lv/Encl./36317d1

**PROPOSED SUBDIVISION PLAN OF LOT 8,
DISTRICT LOT 90, NEWCASTLE DISTRICT,
PLAN VIP57995**

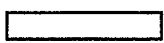
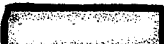
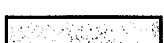


SCALE 1: 1250

All distances are in metres.
All dimensions and areas are
subject to final survey.

DATE: 2005/08/31
REVISIONS:

Provincial Agricultural Land Commission
Application: S-36317
Resolution #619/2005

-  Subject property.
-  1 ha approved for subdivision.
-  Area to be included into the ALR.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 15, 2005 in Port Alberni, B.C.

PRESENT: Lorne Seitz Chair
 David Craven Commissioner
 Donald Rugg Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented his staff report dated November 7, 2005 regarding application #S-36317-0, Angela Lotoski. The application is to subdivide 1 ha off the northern portion of the property to provide a lot to a family member. The majority of the proposed lot lies outside of the ALR.

Site Inspection

A site inspection was conducted on November 15, 2005. Those in attendance were:

- Commissioners Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Agent Helen MacPhail Sims, Fern Road Consulting Ltd.
- Applicant Angela Lotoski

The site inspection lasted from 4:00 p.m. to 4:30 p.m.

Commission Discussion

The Commission noted that most of the proposed lot, 0.94 ha, lies outside of the ALR and that the minimum parcel size for a lot on well and septic field is 1 ha. The Commission supported the application subject to the inclusion into the ALR of the non-ALR portion of the remnant parcel. It was felt that this condition will help to preclude any future subdivision or non-farm use applications.

IT WAS

MOVED BY: Commissioner D. Craven
SECONDED BY: Commissioner D. Rugg

THAT the staff report be received and the application to subdivide 1 ha off the northern portion of the property to provide a lot for a family member be approved. This decision is subject to the inclusion into the ALR of the non-ALR portion of the remnant parcel.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # S – 36317-0
Applicant: Angela Lotoski

Agent: Helen MacPhail Sims
Fern Road Consulting Ltd.

DATE PREPARED: November 7, 2005

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide 1 ha off the northern portion of the property to provide a lot to a family member. The proposed subdivision creates a parcel that would contain the house and shop as well as a small treed area beside a riding ring. The easterly boundary would be along the driveway that provides access to the remainder.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been no previous applications on the subject property. However, there has been other subdivision activity in the local area as noted under relevant applications.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

1. PID: 018-574-378
Lot 8, District Lot 90, Newcastle District, Plan VIP57995;

Purchase Date (m/d/y):

05/31/1996

Location of Property:

2882 Olympic Road, Qualicum Beach

Size of Property:

3.7 ha

ALR Area:

3 ha

Present use of the Property:

The northerly portion of the property has a house and large shop. The southerly portion has a house and barn. A riding ring is on the westerly boundary, south of the shop. Both houses have their own separate access.

Surrounding Land Uses:

WEST: Rural

SOUTH: Rural

EAST: Rural

NORTH: Rural

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.037

The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

The local community plan designates the property as Rural

Zoning Bylaw and Designation:

Rural 1 (RU1D), 2.0 ha minimum lot size

RELEVANT APPLICATIONS:**Application #27976-0**

Applicant: W.R.ADDISON LUMBER LTD

Decision Date: April 06, 1993

Proposal: To subdivide the 16 ha property into two lots of roughly equal size as divided by the ALR boundary.

Decision: The Commission allowed the subdivision on the grounds that as a policy it permits subdivision along the ALR boundary.

Application #29082-0

Applicant: Coulson, Robert & Catherine

Decision Date: June 27, 1994

Proposal: To subdivide the 8.2 ha property into four lots of equal size in order to meet the growing demand for hobby farming in this area.

Decision: The Commission refused the subdivision proposal because of concerns about narrowed options and the fact that the property had reasonable good agricultural capability.

Application #30687-0

Applicant: Coulson, Robert & Catherine

Decision Date: October 30, 1996

Proposal: To exclude the 8 ha property from the ALR in order to subdivide into four 2 ha lots.

Decision: The Commission refused the exclusion as proposed because it was not convinced that the land had no agricultural potential. It was prepared to allow the subdivision of the property into two ha lots in recognition of its limited agricultural

potential.

Application #29082-1

Applicant: Coulson, Robert & Catherine

Decision Date: August 10, 1994

Proposal: To subdivide the 8 ha property into two lots of roughly equal size.

Decision: Refuse as proposed because of reduced agricultural options.

Application #30687-1

Applicant: Coulson, Robert & Catherine

Decision Date: January 22, 1997

Proposal: The Commission, by Res. # 903/96 refused the exclusion of the 8 ha subject property but allowed the land's subdivision into four 2 ha lots.

Decision: The reconsideration is to exclude the land from the ALR. The Commission refused the District's request to exclude the land from the ALR because it still believes that it has agricultural capability. It reconfirmed that it had no objection to subdivision into 2 ha lots, however, it emphasized that the District was not bound by its decision.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

No comment from the Regional Board

Local Government Staff

The applicants are applying to subdivide two parcels within the ALR, one lot of 1.0 ha and the remainder of 2.8 ha to facilitate subdivision for a family member. Subdivision may be submitted, pursuant to Section 946 of the Local Government Act, where one lot is proposed to be less than the minimum parcel size.

STAFF COMMENTS:

It is noted that most of the proposed lot, 0.94 ha, lies outside of the ALR. The application is to subdivide one lot under Section 946 of the Local Government Act (residence for a relative). Under Section 946 the minimum parcel size for a lot on well and septic field is 1 ha. It is also noted that the ALR boundary bisects an existing shop building and driveway that leads to this building. An on-site inspection will enable the Commission to better determine the merits of the application.

END OF REPORT

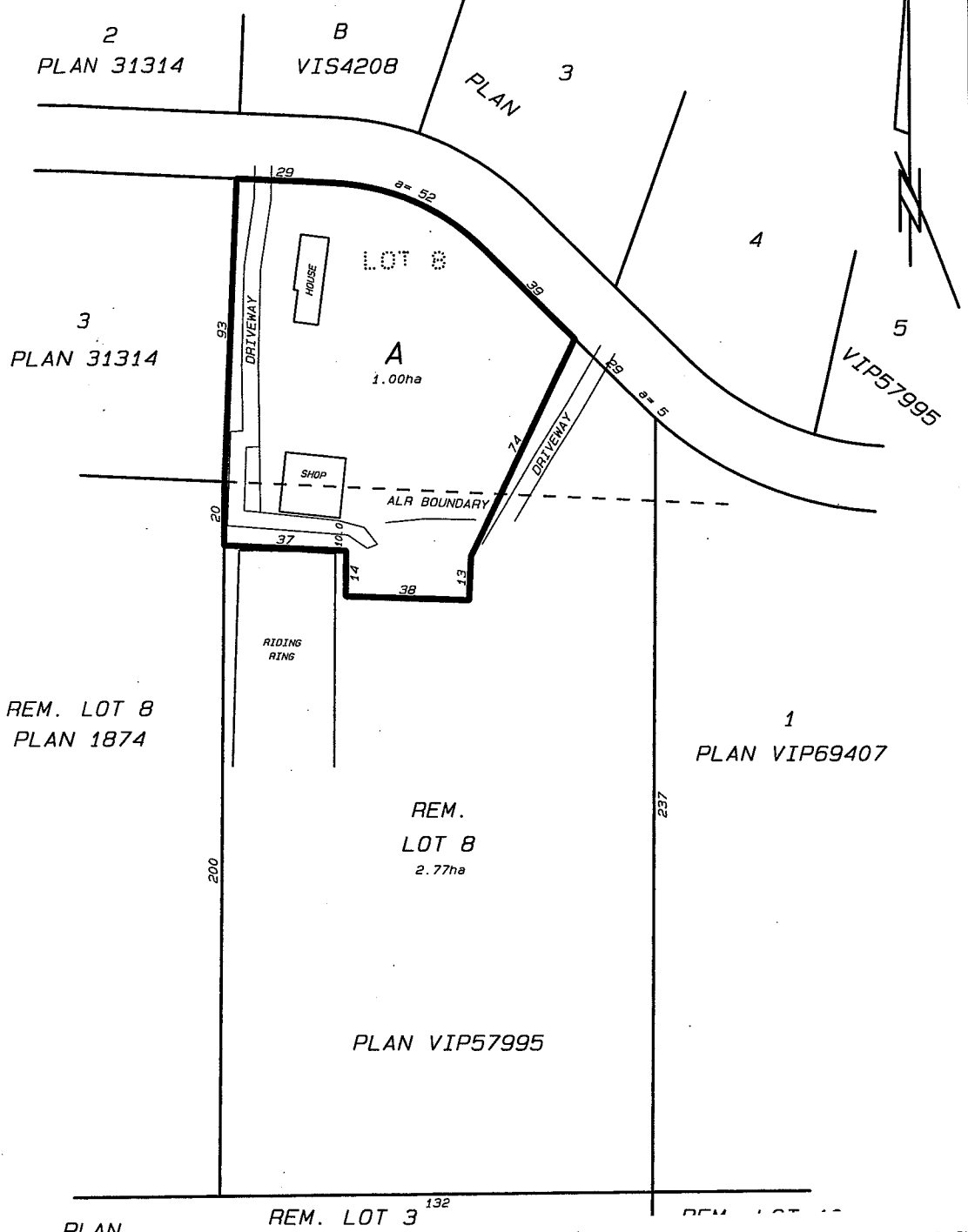
Signature



Date

Nov 8/05

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