



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 5, 2006

Reply to the attention of Terra Kaethler
ALC File: S - 31504

J.E. Anderson and Associates
1B - 3411 Shenton Road
Nanaimo, BC V9T 2H1

Dear Mr. Wallace:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 566/2006 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Nanaimo (#ALR9711)

TK/lv/Encl.: Minutes
31504d2

Provincial Agricultural Land Commission

Application # S-31504

Resolution #566/2006

2 ha area approved for relocation of subdivision from the ALR

| | |
|---|------------------------|
| PROPOSED SUBDIVISION PURSUANT TO SECTION 946 LOCAL GOVT. ACT. | |
| PART OF REM LOT 1, DISTRICT LOT 35, NANOOSE DISTRICT, PLAN 2230. | |
| PID 006-441-301 | |
| DRAWN BY : KGK | PROJECT SURVEYOR : KGK |
| SCALE : 1 : 1000 (METRIC) | DATE : JUNE 24, 2005 |
| PREPARED FOR BERNARD KASPAR | |
| OUR FILE : B4179-2 | REVISION : "A" |

LEGAL NOTATIONS:

E & N RAILWAY EXCEPTIONS AND RESERVATIONS - M76300
S.R.W. - 1345270 - BC HYDRO
S.R.W. - E0134984 & E0134985 - TERASEN GAS - PART IN PLAN VIP56732
THIS TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT.

THIS PLAN HAS BEEN PREPARED FOR AN APPLICATION FOR SUBDIVISION ONLY. IT IS NOT TO BE INTERPRETED THAT FINAL APPROVALS HAVE OR WILL BE GRANTED BY APPROVAL AGENCIES.

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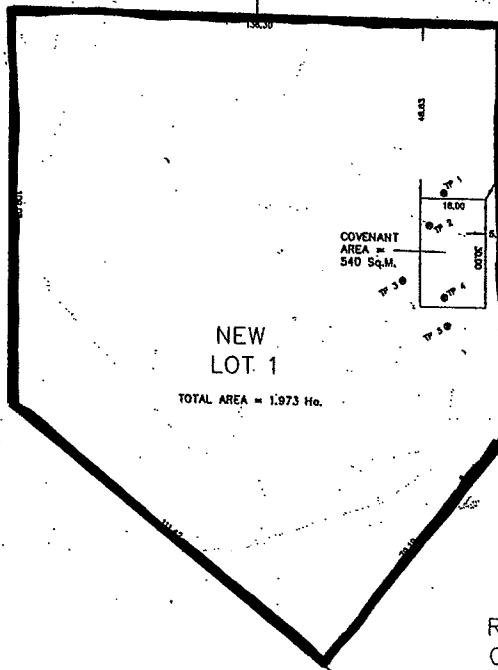
REM 1
PLAN 2230

REM 2
PLAN 2230

A
PLAN VIP543

A
PLAN 350

ALCOTT ROAD



A
DD ED117479
PLAN 8472

1
PLAN 21466

REM PART
OF LOT 1,
PLAN 1423R

REM 1
PLAN 2230

MORELLO ROAD



Scale 1:1000 All dimensions are in Metres.
0 10 20 40 60 80 100

Alvoly



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 7, 2006 in Courtenay, B.C.

| | | |
|-----------------|----------------|---------------------|
| PRESENT: | Lorne Seitz | Chair, Island Panel |
| | Donald Rugg | Commissioner |
| | David Craven | Commissioner |
| | Roger Cheetham | Staff |
| | Terra Kaethler | Staff |

For Consideration

Application: # S - 31504
Applicant: Bernard & Phyllis Kaspar
Proposal: Re-location of 2 ha subdivision
Legal: PID: 006-441-301
Lot 1 District Lot 35 Nanoose District Plan 2230 EXCEPT Plans
8472, 1423-R, VIP56073
Location: Nanoose Bay, Nanaimo

Site Inspection

A site inspection was conducted on November 6, 2006. Those in attendance were:

- Applicant: Bob Kaspar
- Agent: Dave Wallace
- Commissioners Lorne Seitz, Donald Rugg, David Craven
- Staff: Roger Cheetham, Terra Kaethler

The Commission met with the applicant on site and walked the property. The property was mostly treed and included a hill with a very steep slope. The applicant pointed out current uses of the property including a selective logging area, a mill, hazelnuts, and honey bees. The applicant notified the Commission that the subdivision would be for the applicant's son to raise honey bees.

Context

The Commission granted a subdivision in lieu of Homesite Severance in 1997, on the condition that the subdivided parcel not exceed the minimal lot size required by the Ministry of Health for in-ground sewage disposal. However, to get Ministry of Health approval for sewage disposal the applicant had to re-position the lot to a different area, and thus applied for reconsideration.

Discussion

The Commission had no objections to the relocated subdivision, as they considered that the new location would have comparable impacts to agriculture as the original approved subdivision (Resolution # 606/1997).

The Commission originally felt that the 2 ha proposed subdivision was too large given the agricultural capability of the property, and was only willing to approve the subdivision on the condition that it be reduced to the minimum lot size allowed. However, the Commission walked the property during the site visit, and found that the steep topography of the property compromised its agricultural capability. On this premise, the Commission was willing to approve the 2 ha subdivision.

Conclusions

1. That the re-positioned subdivision is in keeping with the intent of the original approval.
2. That the topography of the property limits the agricultural capability of the new parcel.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Craven

THAT the application be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- that this approval is in lieu of and future consideration pursuant to the *Homesite Severance Policy*.

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. The subdivision must be completed within this time frame.

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 # 566/2006