



**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

August 22, 2006

Reply to the attention of Roger Cheetham  
ALC File: #S-36801

Stephen Stahley  
PO Box 328 - 1040 Virginia Road  
Coombs, BC V0R 1M0

Dear Sir:

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

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the property into 10 lots. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank Mr. Moilliet for taking the time to meet with its representatives on 2<sup>nd</sup> August 2006. The Commission found the meeting and site visit informative. In particular, the Commission noted that the property has recently been logged and generally has secondary soils with the better areas located to the south east and middle sections of the site. The area to the north of the property comprises rural residential subdivisions and the areas to the west and south appear to be under trees. The Commission noted that there is farming activity taking place on the adjacent property to the east.

In the light of the site inspection the Commission considered that the proposed subdivision of the property into 10 lots would not be in the interests of agriculture in that it would introduce a pocket of rural residential parcels, too small for any meaningful agriculture, into an area of generally larger parcel sizes. These parcels would have the potential to impact negatively on adjacent agricultural activities and moreover would create a precedent for further subdivision in the area. On the other hand the Commission noted that the agricultural capability maps show the agricultural capability of the property to be generally lower than that of the surrounding properties within the ALR. It was of the view that a limited amount of subdivision of the property into 4 approximately 5 ha lots could benefit agriculture by providing lots sufficiently big to provide opportunities for small lot agriculture without the potential to impact negatively on adjacent properties.

Accordingly the Commission writes to advise that it refused the application as presented and approved the subdivision of the property into 4 lots each not less than 5 ha in size subject to:

- the subdivision being in substantial compliance with the attached plan.
- 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 Nanaimo Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # **400/2006**.

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 verifies that all conditions of approval have been met 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:

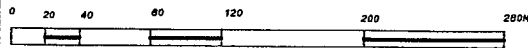
Erik Karsen, Chair

pc: Regional District of Nanaimo (#6635-04-0603)

RC/lv/Encl.  
36801d1.

REFERENCE PLAN OF LOT 4, DISTRICT LOT 80, NEWCASTLE DISTRICT, PLAN 1969  
 EXCEPT PARTS IN PARCEL A (DD 26100-N) AND PARCEL B (DD 401398-I)  
 PURSUANT TO SECTION 100 (1) (A) OF THE LAND TITLE ACT

SCALE: 1:2000 ALL DISTANCES ARE IN METRES



BCGS 92F038

LEGEND

BEARINGS ARE ASTRONOMIC AND ARE DERIVED FROM PLAN VIP95532

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST SET

PLAN **VIP78308**

DEPOSITED IN THE LAND TITLE OFFICE AT,  
 VICTORIA, B.C., 10<sup>th</sup> of February, 2005

*M. Brantley*  
 REGISTRAR  
 REF. NO. EX15190 mj

PLAN  
**25**  
 1884  
**DORMAN ROAD**  
 NOT CONSTRUCTED

PLAN  
**3**  
 1969

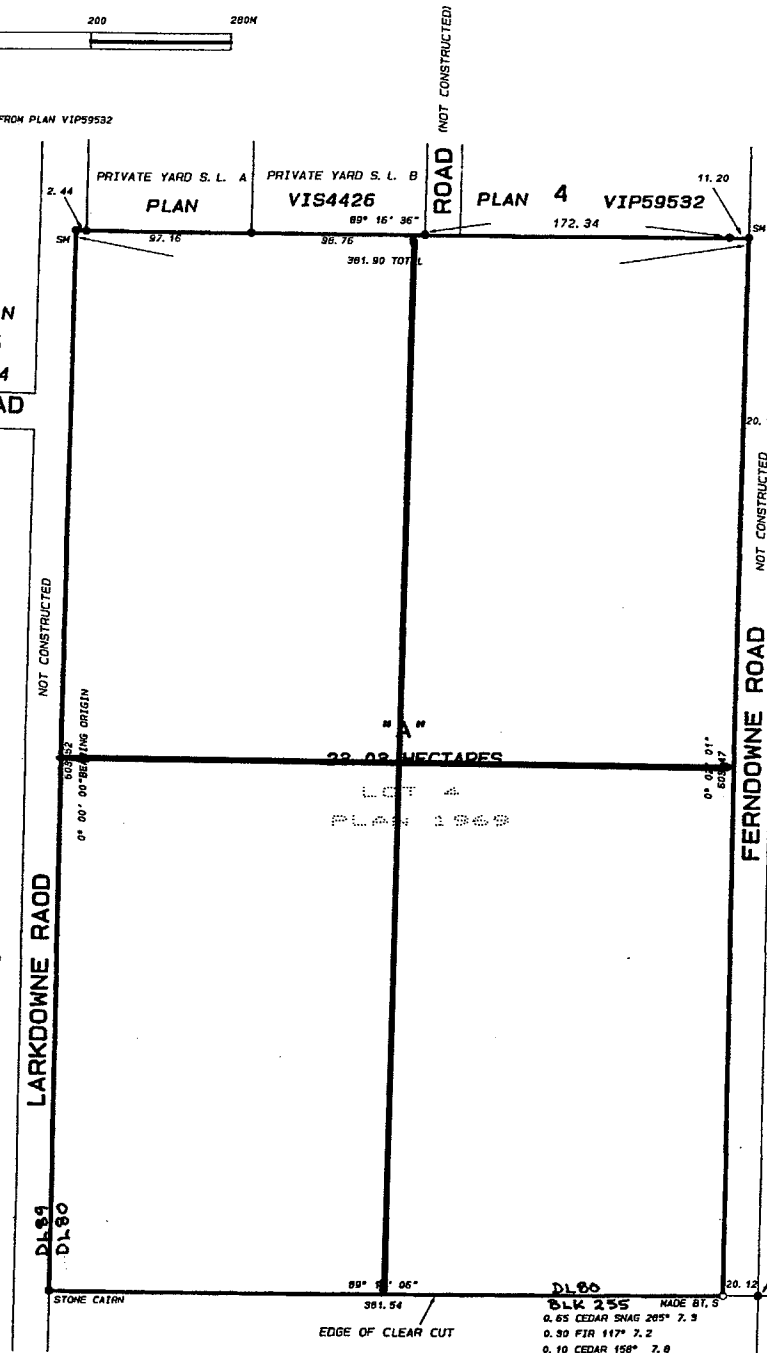
SEE PLAN 68667

**RODGERS ROAD** (NOT CONSTRUCTED)

PLAN  
**40**  
 1884  
 (VIP78308)

PLAN  
**5**  
 1969

GBT  
 0.2 ALDER MK, D 2.3 MEASURED 2.1 49°



PLAN 41

**ALC APPLICATION # S - 36801**  
**Subdivisions approved in terms of**  
**Commission Resolution Number 400/2006**

HE REGIONAL DISTRICT OF NANAIMO.

BRITISH COLUMBIA LAND SURVEYOR, OF  
 BRITISH COLUMBIA, CERTIFY THAT I WAS PRESENT  
 AND INTENDED THE SURVEY REPRESENTED BY THIS PLAN,  
 AND THAT THE SURVEY AND PLAN ARE CORRECT. THE SURVEY WAS COMPLETED ON  
 THE 12 DAY OF January, 2005

THE PLAN WAS COMPLETED AND CHECKED, AND THE CHECKLIST FILED UNDER # 26243  
 ON THE 12 DAY OF January, 2005

PETER T. MASON  
 BRITISH COLUMBIA LAND SURVEYOR  
 235 BAYWATER ROAD  
 QUALICUM BAY, B.C.  
 V9K 2E1

TEL: (250) 757-8788  
 FAX: (250) 757-8780  
 FILE: 04-3184 DRWG: @d-wgs#3184A, REF

I HEREBY CERTIFY THAT THIS IS THE OFFICIAL PLAN OF THE  
 LANDS SHOWN OUTLINED HEREON.

*M. Brantley*  
 SURVEYOR GENERAL  
 VICTORIA, B.C. January 15, 2005

*Peter Mason*  
 BRITISH COLUMBIA LAND SURVEYOR.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 3<sup>rd</sup> August, 2006 at the offices of the District of Central Saanich located at 1903 Mount Newton Cross Road, Saanichton, BC

PRESENT: Lorne Seitz Chair  
David Craven Commissioner  
Donald Rugg Commissioner

STAFF: Roger Cheetham, Regional Planner

For Consideration

Roger Cheetham presented the staff report of Simone Rivers dated 7<sup>th</sup> July 2006 regarding application #S-36801-0.

Site Inspection

A site inspection was conducted on 2<sup>nd</sup> August 2006. Those in attendance were:

- Commissioners Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Roger Cheetham, Regional Planner
- Rory Moilliet, Applicant

The Commission noted that the property has recently been logged and generally has secondary soils with the better areas located to the south east and middle sections of the site. The area to the north of the property comprises rural residential subdivisions and the areas to the west and south appear to be under trees. The Commission noted that there is farming activity taking place on the adjacent property to the east.

The site inspection lasted from around 9:50 a.m. to 10:20a.m.

**Commission Discussion:** In the light of the site inspection the Commission considered that the proposed subdivision of the property into 10 lots would not be in the interests of agriculture in that it would introduce a pocket of rural residential parcels, too small for any meaningful agriculture, into an area of generally larger parcel sizes. These parcels would have the potential to impact negatively on adjacent agricultural activities and moreover would create a precedent for further subdivision in the area. On the other hand the Commission noted that the agricultural capability maps show the agricultural capability of the property to be generally lower than that of the surrounding properties within the ALR. It was of the view that a limited amount of subdivision of the property into 4 approximately 5 ha lots could benefit agriculture by providing lots sufficiently big to provide opportunities for small lot agriculture without the potential to impact negatively on adjacent properties.

**IT WAS**

**MOVED BY:** Commissioner D. Rugg

**SECONDED BY:** Commissioner L. Seitz

THAT the staff report be received and the application be refused as presented.

THAT the subdivision of the property into 4 lots each not less than 5 ha in size be approved.

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

CARRIED

**Staff Report**  
**Application # S – 36801**  
**Applicant: Stephen Stahley, Douglas Shug and Rory Moilliet**

**DATE RECEIVED:** July 7, 2006

**DATE PREPARED:** July 20, 2006

**TO:** Chair and Commissioners – Island Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To subdivide the 22 ha lot into eight 2 ha lots and two lots larger than 2 ha including the remainder.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Nanaimo

**Legal Description of Property:**

PID: 026-190-397

Lot A, District Lot 80, Newcastle District, Plan VIP78308

**Purchase Date:**

2005

**Location of Property:**

Larkdowne Road, Qualicum Beach

**Size of Property:**

22 ha (The entire property is in the ALR).

**Present use of the Property:**

Vacant

**Surrounding Land Uses:**

**WEST:** ALR  
**SOUTH:** ALR  
**EAST:** ALR  
**NORTH:** residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.038  
The majority of the property is identified as having secondary ratings.

**Official Community Plan and Designation:**

Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007 (1996) designates the property as Rural

**Zoning Bylaw and Designation:**

Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 (1987) designates the property as Rural 1 (RU1).  
Minimum lot size 2 ha.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Government Planning Staff:** Planning staff note that the subject property is in an area for a 2 ha minimum parcel size *"provided the land has been excluded from the Agricultural Land Reserve"*. As the property has not been excluded from the ALR, the proposed subdivision is not supported by the OCP.

**ATTACHMENTS:**

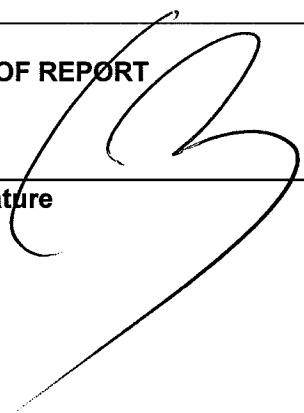
- Letter from the applicants directed to the Regional District Senior Planner dated June 6, 2006 including the proposed site plan.
- ALR Context Map - 92F.038 - 1:15,000

---

**END OF REPORT**

**Signature**

**Date**



*July 20/06*