
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 Stefan 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

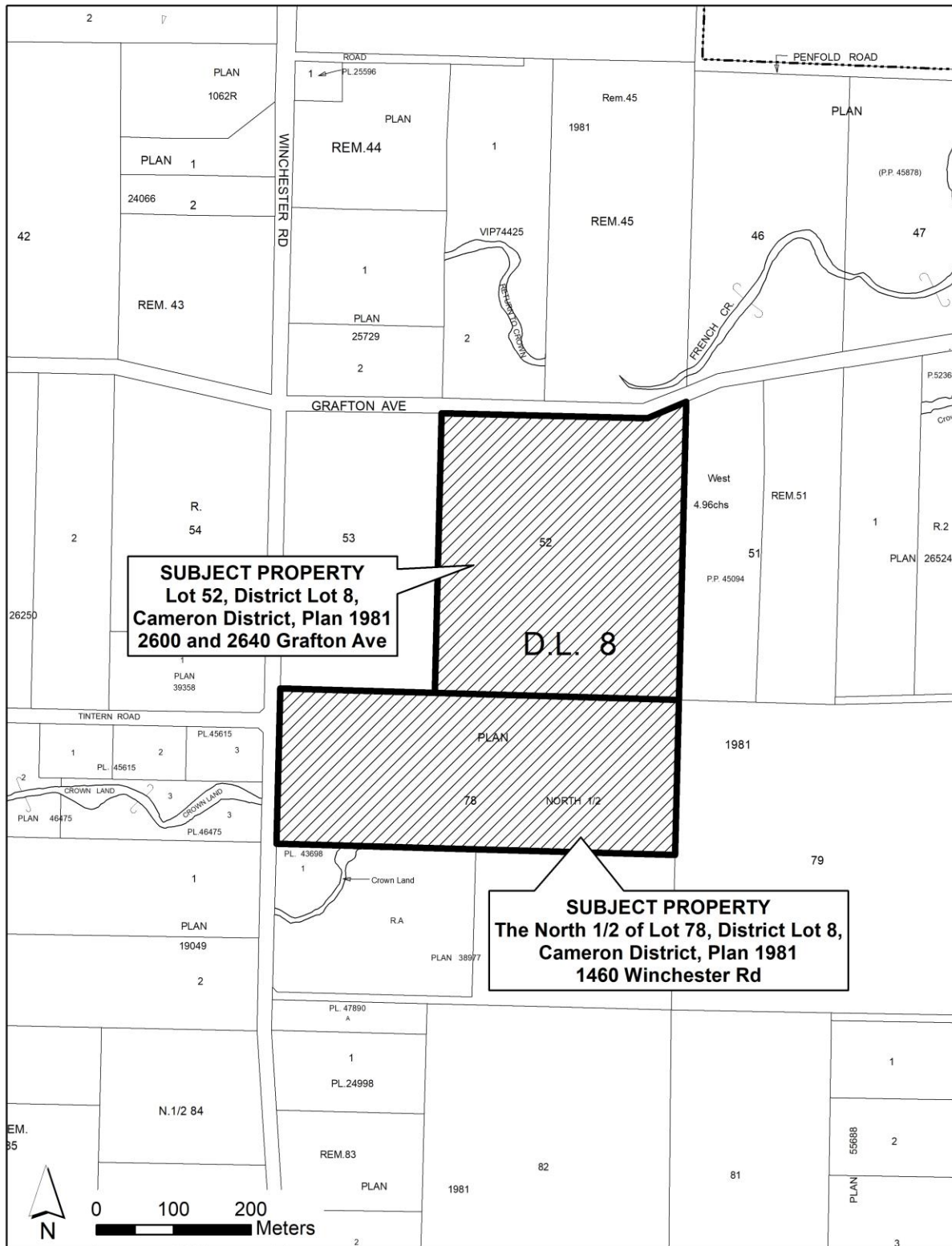
Reviewed by:

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

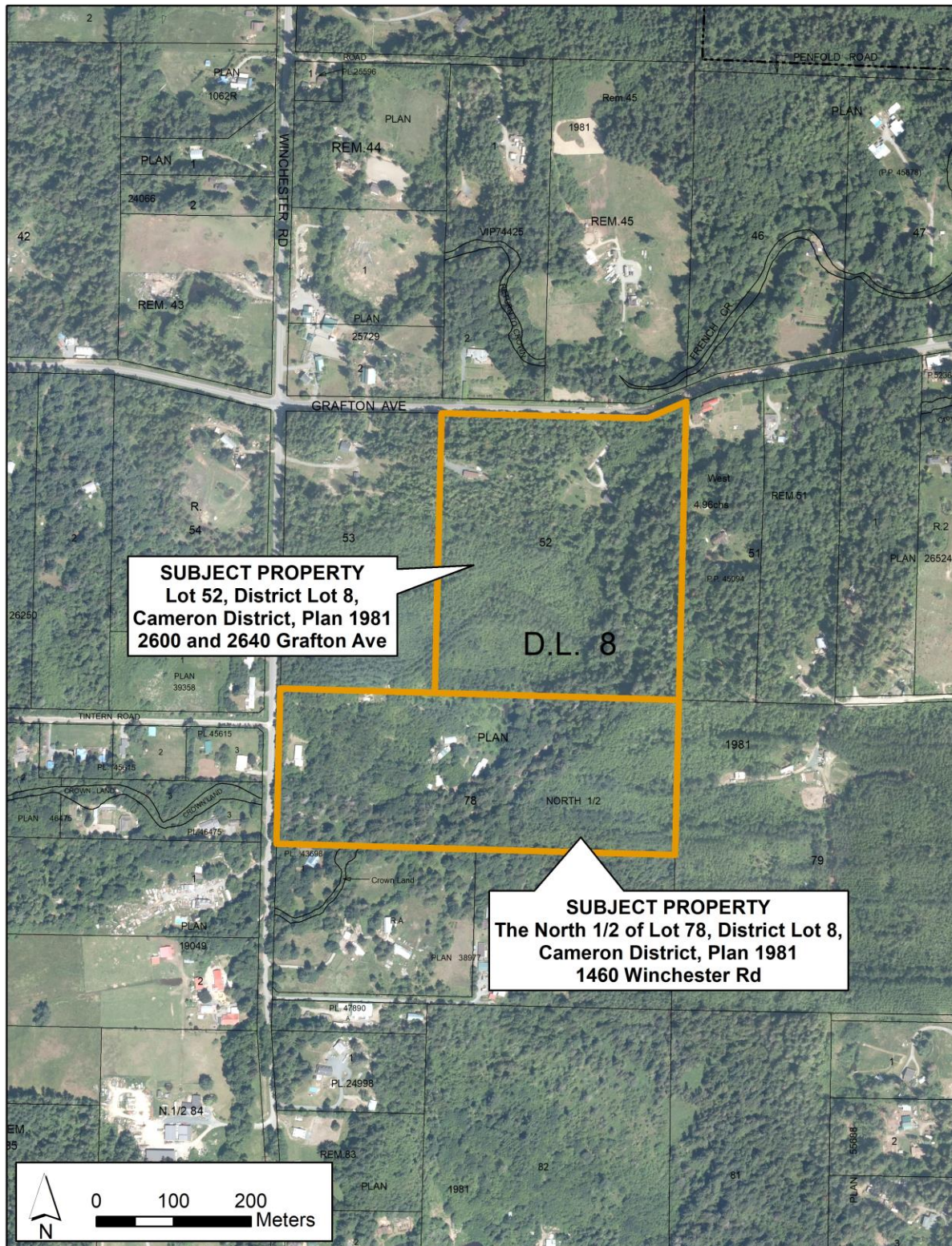
Attachments:

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

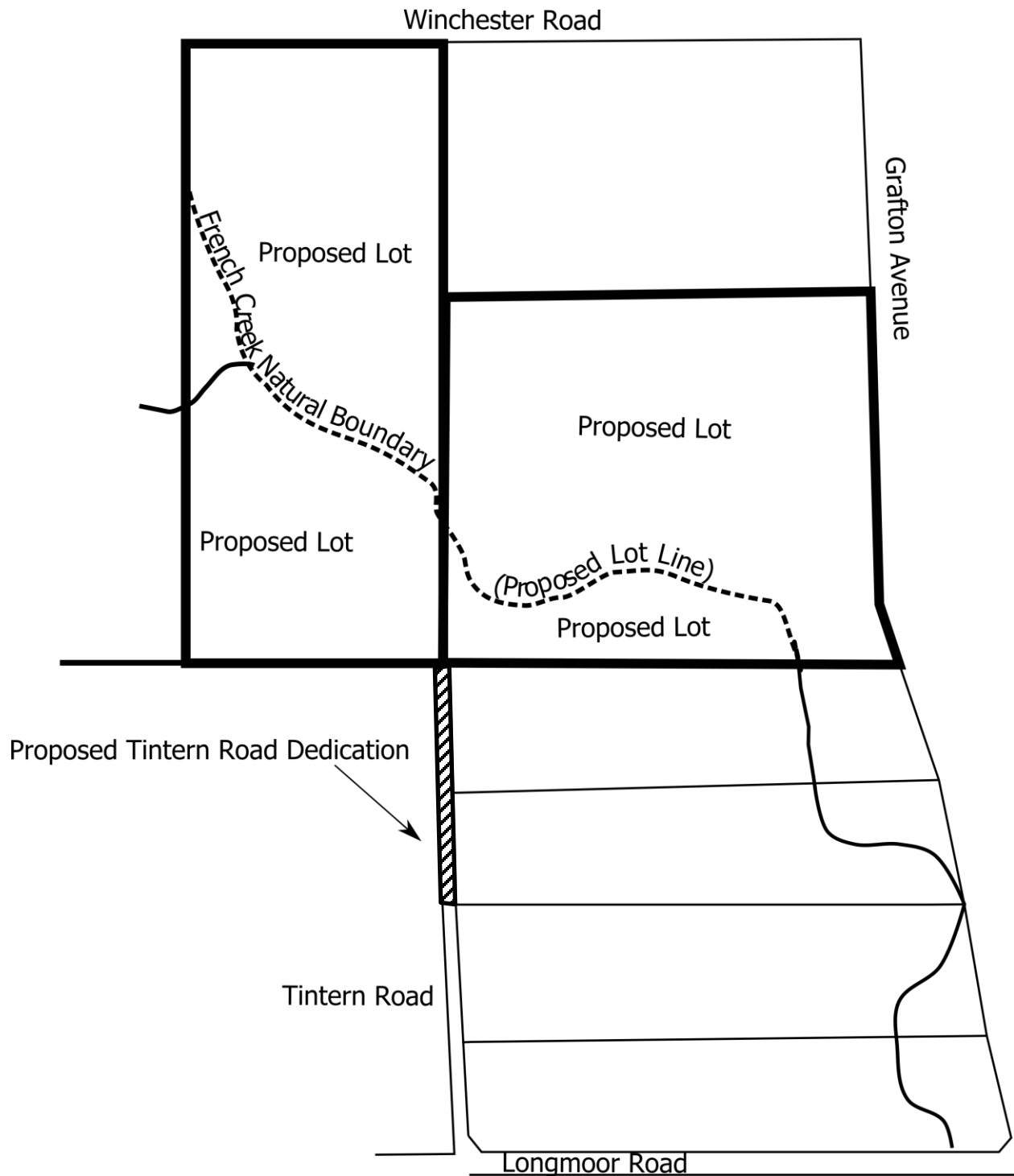
Attachment 1 Subject Property Map



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

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

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

1. **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

1. **Name:** Ullrich Stefan Vogel

Address:



Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Ownership or Interest in Other Lands Within This Community

1. **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.



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.

UNDERLIEGENT RIGHTS

LAND TITLE ACT
STATE OF TITLE CERTIFICATE

DAVIS & AVIS
BOX 1600
PARKSVILLE BC V0R 2S0

PICK UP: VICTORIA
BY: BEST SEARCH

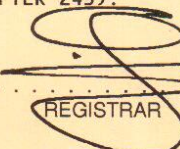
YOUR FILE NUMBER:
VOGEL 21104

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

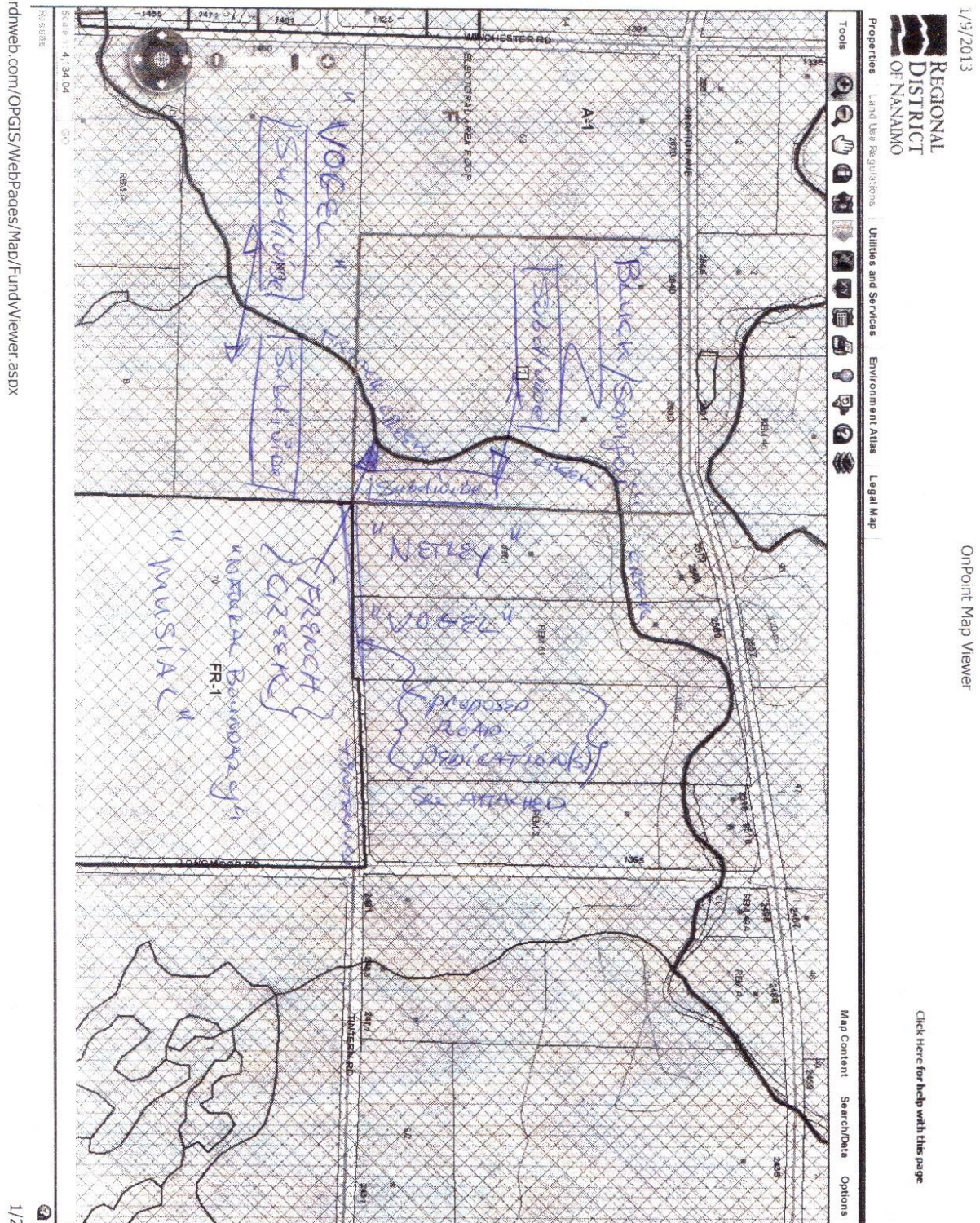
Hi Gabrielle/Steve,

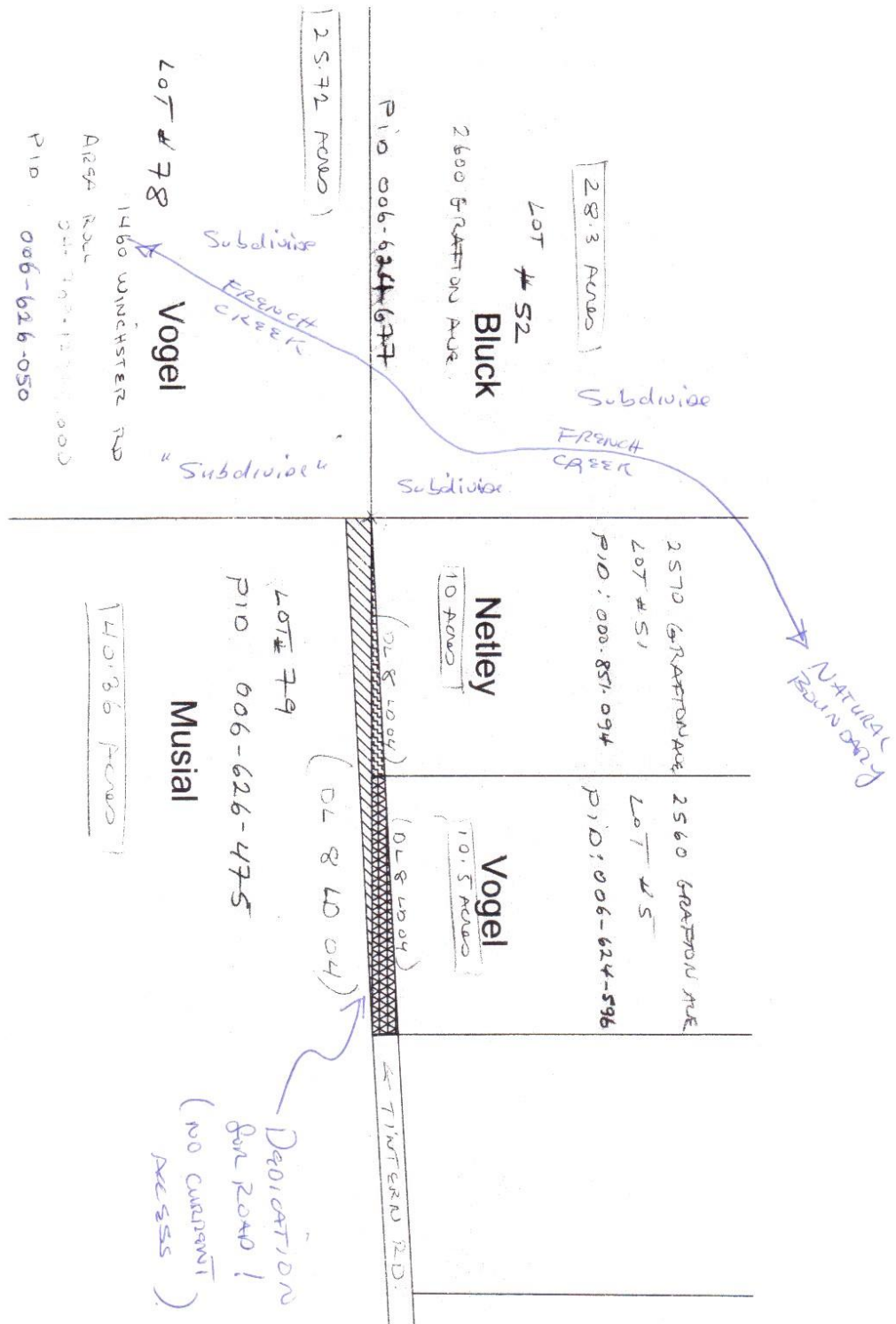
The ministry has reviewed the information provided to date and will consider a 10m wide dedication, granted that a subdivision application is made to the ministry, and that all conditions of subdivision are fulfilled. This could include confirmation of an agreement with the adjacent landowner to sell 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







7 D 4

Page 1 of 10

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. + Vogel
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

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

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

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<small>* also of the N Ireland and English Bars</small>	

YOUR FILE

MY FILE 16420-18

DATE 24 October 2018

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


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

Re: Subdivision application by Cathy Bluck and Gabriel Somfai

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MY FILE 16420-18

DATE 24 October 2018

Mr. Ullrich Stefan Vogel



CLIENT'S COPY

Dear Mr. Vogel,

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whom may also be referred to as "the Grantee"

AND:

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(hereinafter referred to as "Vogel")

of the second part

AND:

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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
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as represented by the Minister of Transportation and Infrastructure
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Page 3 of 10

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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									
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