



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

June 28, 2006

Reply to the attention of Gordon Bednard

Lorence Milot and Diane Anderton
2310 Waring Road
Nanaimo, BC V9X 1T8

Dear Sir/Madam:

Re: Application # S- 36656
PID: 018-857-167
Lot 2, Section 10, Ranges 7 & 8, Cranberry District, Plan VIP59386

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to place 7,787 m³ of over-burden and topsoil on the 6.1 ha property over a 6-12 month period. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on June 5, 2006.

The Commission writes to advise that it partially approved your application. The Commission was concerned with the size of the proposal and the lack of professional support (ie: a report from a soils professional) for the proposed fill placement. This being said, the Commission is convinced that if done properly, the placement of fill and rehabilitation of the areas under application will improve the agricultural utility of the property.

The Commission is willing to permit the first phase of the proposal as outlined to the Commission during the onsite inspection. This will entail completion of filling and rehabilitation of an area to the south of your residence using up to 1,500 m³ of structural fill and topsoil. Once this area is completed, the Commission will inspect the project, and if found satisfactory, will allow the project to continue to the second phase east of the access driveway. This partial approval is subject to:

- the use being restricted to the 0.1 ha area identified on the attached plan (Phase 1);
- 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 # 293/2006.

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Please quote your application number in any future correspondence.

Yours truly,

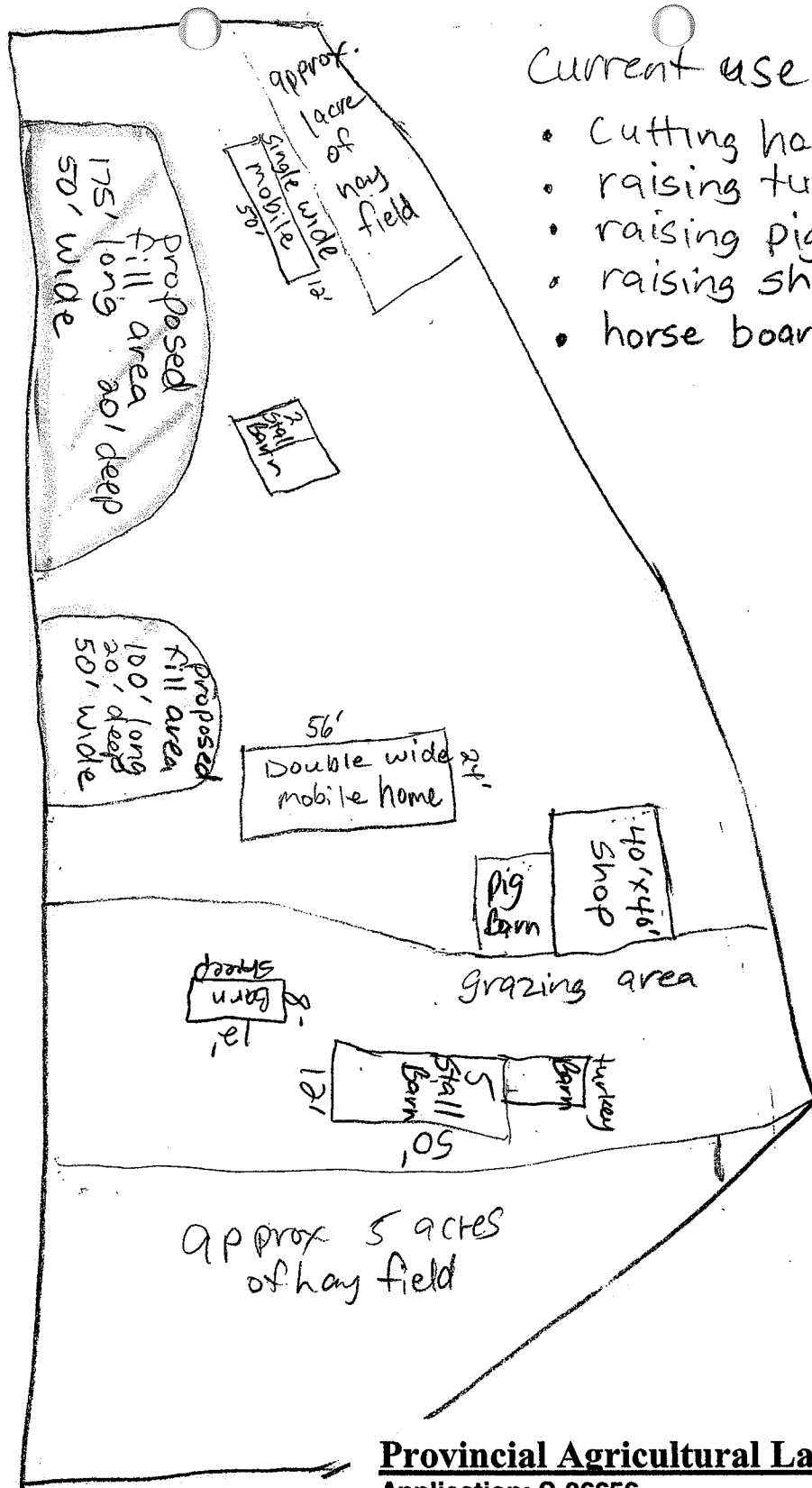
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Regional District of Nanaimo Attn: Greg Keller

GB/lv/Encl./36656d1.



Current use of land

- Cutting hay
- raising turkeys
- raising pigs
- raising sheep
- horse boarding

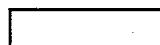
Provincial Agricultural Land Commission

Application: S-36656

Resolution # 293/2006



Subject property.



Approved 0.1 ha area for initial fill placement (Phase 1) – 1500 cubic metres



Approved 0.2 ha area for subsequent fill placement (Phase 2) on approval of Phase 1



Staff Report
Application # S – 36656-0
Applicant: Diane Anderton and Lorence Milot

DATE RECEIVED: May 1, 2006

DATE PREPARED: May 29, 2006

TO: Chair and Commissioners – Island Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To place 7787 m³ of over burden and topsoil on the 6.1 ha property over a 6-12 month period.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant wished to place the fill on the property in order to fill in low land that it can be drained. They stated that by filling in the land they will be able to grow more hay and have more grazing area for sheep and pigs.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

PID: 018-857-167

Lot 2, Section 10, Range 7 & 8, Cranberry District, Plan VIP59386;

Location of Property:

2310 Waring Road, Nanaimo

Size of Property:

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

Area of Proposed Fill Project:

0.5 ha

Present use of the Property:

Cutting hay, raising turkeys, pigs and sheep as well as horse boarding and residential.

Surrounding Land Uses:

WEST: Residential (Non-ALR)
SOUTH: Agriculture (ALR)
EAST: Agriculture (ALR)
NORTH: Residential (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G.001
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240 (2001) designates the property as "Rural Resource"

Zoning Bylaw and Designation:

Regional District of Nanaimo Land Use and Subdivision Bylaw no. 500, (1987) designates the property as Rural 4 (RU4)
Minimum parcel size 4 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government Planning Staff: Planning staff are concerned with the placement of fill in relation to the watercourse, which our records indicated to be fish bearing. It appears that the applicant is proposing to place fill very close to the watercourse, which may lead to sediment and erosion issues. If this application is approved, it is requested that the applicant be required to consult with us prior to undertaking the proposed works.

STAFF COMMENTS:

Agricultural Capability:

The subject property contains a variety of different agricultural capability polygons with capabilities ranging from Class 5 (unimproved) to Class 2 (improved). These polygons are given subclasses T and A.

Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 4 - Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 2 - Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Subclasses:

T – topography A - soil moisture deficiency

Staff recommend a site visit to determine if the proposed fill will improve the agricultural capability of the property and to evaluate the impact the proposed filling will have on neighbouring properties.

END OF REPORT

Signature

Date