



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: S-36656

June 5, 2008

Lorence Milot
2310 Waring Road
Nanaimo, BC V9X1T8

Dear Sir:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 292/2008 outlining the Commission's decision as it relates to the above noted application.

Please be advised that 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. The Commission advises you to contact the Regional District of Nanaimo as soon as possible to ensure the continuation of phase two is in compliance with any other regulatory agencies having jurisdiction over the subject property, such as the Department of Fisheries.

In regards to the unauthorized placement of fill on the eastern portion of the property, please refer to the conditions specified in the attached minutes. To accept the terms of the Commission's decision, a response in writing is required within 14 business days. If a response is not received within that time frame, your file will be referred to an ALC Enforcement Officer to monitor the removal of all unauthorized fill from this area within three months of the date of this decision letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of Nanaimo (6635-05-0606)

Enclosure: Minutes/Sketch Plan

TK/
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A meeting was held by the Provincial Agricultural Land Commission on May 15, 2008 at the offices of the City of Parksville, located at 100 E. Jensen Avenue Parksville, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	David Craven	Commissioner
	Jennifer Dyson	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # S- 36656
 Applicant: Diane Anderton and Lorence Milot
 Proposal: To inspect phase one and phase two of the approved fill project under Resolution 293/2006. It has also come to the Commission's attention that the applicant has continued to place fill in an area outside of the approved areas.
 Legal: PID: 018-857-167
 Location: Lot 2, Section 10, Range 7 & 8, Cranberry District, Plan VIP59386
 2310 Waring Road, Nanaimo

Site Inspection

A site inspection was conducted on May 15, 2008. Those in attendance were:

- Lorne Seitz Chair, Island Panel
- David Craven Commissioner
- Jennifer Dyson Commissioner
- Terra Kaethler Staff
- Lorence Milot Applicant

The Commission met with the applicant and viewed the 0.1 ha area (phase one) approved under Resolution #293/2006 for initial fill placement of 1500 cubic meters as well as the area of subsequent fill placement (phase 2) on approval of phase one. It observed that phase two had been initiated prior to authorization of the Commission, and was near completion. The Commission further observed that a large area of approximately 2.0 ha on the back portion of the property was also being filled without any authorization from the Commission.

Discussion

The Commission inspected the area of phase one of the project and determined that the project had been completed and rehabilitated successfully.

In regard to phase two of the project, the Commission was of the view that it was being carried out largely as proposed, however it had some concerns regarding the culvert and impact on the fish bearing stream on the property. The Commission discussed that it would allow phase two to continue on the condition that the applicant work with the local government to ensure compliance with all other regulatory agencies.

In regard to the placement of fill on the eastern 2.0 ha portion of the property, the Commission was of the view that this area was not part of the original application and was not authorized by the Commission. As such, the Commission discussed that all fill activities being undertaken on the eastern portion of the property should be discontinued immediately. The Commission discussed that the applicant be required to engage a professional agrologist or engineer to prepare a plan for remediation and appropriate drainage for the property and submit the plan to the Commission for its approval within three months of the date of the decision letter. The project must also be monitored by a professional to ensure successful implementation and a final report should be presented to the Commission for approval within twelve months of this decision.

The Commission further determined that should the applicant fail to accept these terms within fourteen business days, all unauthorized fill from this area must be removed within three months of the date of the decision letter.

IT WAS

MOVED BY: Commissioner Seitz
SECONDED BY: Commissioner Dyson

THAT phase one has been completed successfully;

AND THAT phase two, to continue the placement of fill in the area east of the access driveway, is approved subject to compliance with all applicable local government requirements;

AND THAT all unauthorized fill activity on the eastern portion of the property be discontinued immediately as of the date of this decision;

AND THAT the applicant engage a professional to prepare a plan for remediation and appropriate drainage of the area of unauthorized fill on the eastern portion of the property and that the plan be submitted to the Commission within three months of the date on this decision;

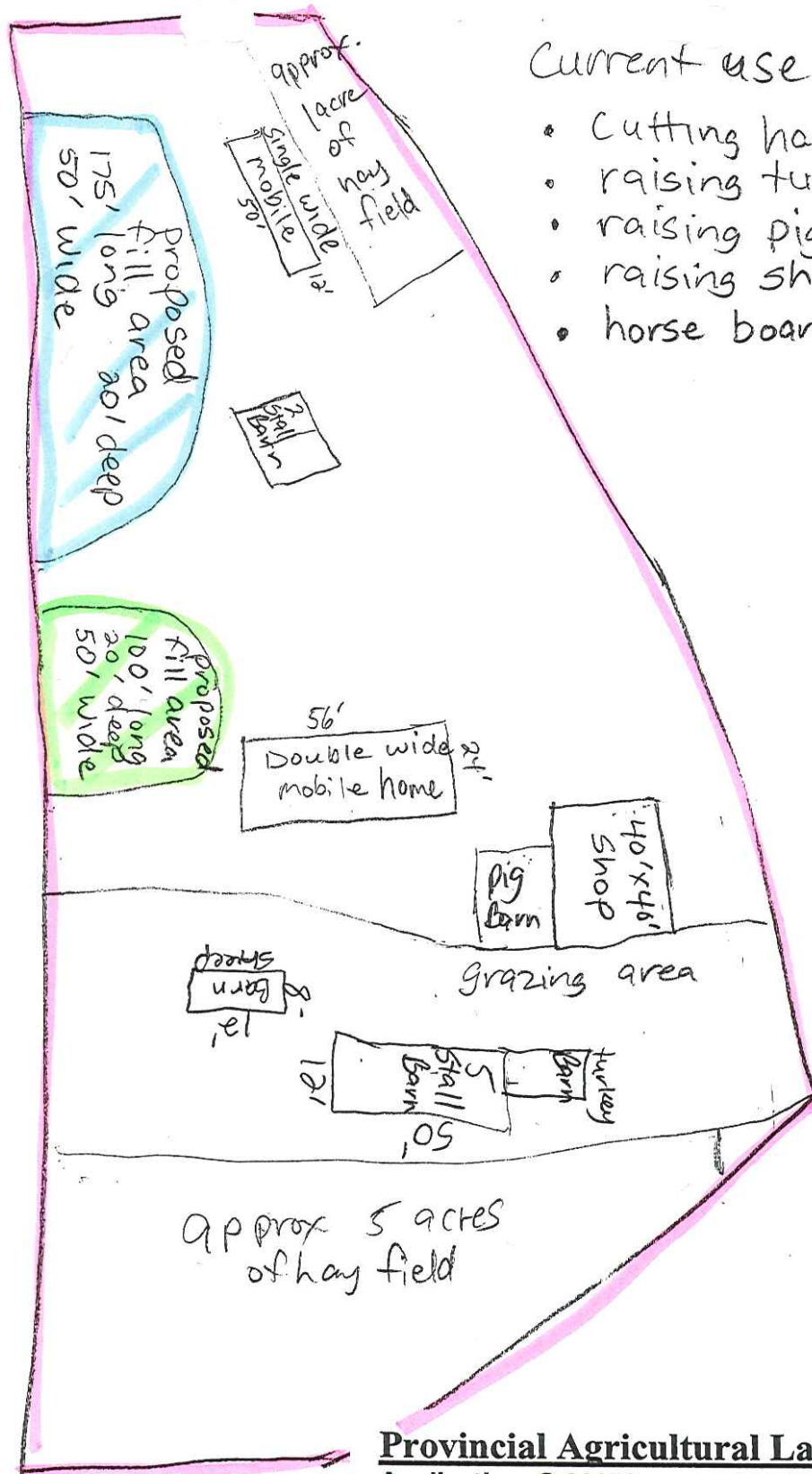
AND THAT the project be monitored by a professional to ensure successful implementation and a final report be presented to the Commission for approval within twelve months of this decision.

AND THAT, in the event that the applicant fail to accept these terms by June 25, 2008, the file will be referred to an ALC Enforcement Officer to monitor the removal of all unauthorized fill from this area within three months of the date of this decision.

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 # 292/2008



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