



Staff Report
Application # S – 37684
Applicant: Alan Noble

DATE RECEIVED: September 18, 2007

DATE PREPARED: November 19, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide 2.0 ha from the 14.0 ha property for a family member, leaving a 12.0 ha remainder.

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

BACKGROUND INFORMATION:

In 2003, upon a reconsideration request, subdivision of a 2.0 ha lot from the 14.0 ha was refused. In 2004, an application for exclusion was submitted and refused. Reconsideration was requested twice for exclusion and subdivision, and denied both times. See previous applications for more information.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

PID: 010-576-720

Lot B, District Lot 79, Nanoose District, Plan 46544, EXCEPT Part in Plan VIP52189 and VIP76538

Purchase Date:

1988-06-01 *moved on in 1972*

Location of Property:

2438 Noble Road, Nanoose

Size of Property:

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

Present use of the Property:

Hobby Farm, Double Wide Mobile Home, Barn and a single wide, storage shed and wood shed

Surrounding Land Uses:

WEST: Residential
SOUTH: Residential (2 ha), and commercial, non-ALR
EAST: Residential (2 ha), and commercial
NORTH: Island Highway, residential and commercial, non-ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.030(digital)
The majority of the property is identified as having Mixed Prime and Secondary ratings. The majority of the property is rated improvable to 50% Class 5, 50% Class 3.

Official Community Plan and Designation:

Nanoose Bay OCP Bylaw No. 1400 (2005)
Designation: N/A

Zoning Bylaw and Designation:

Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 (1987)
Designation: Rural 5 (RU5)
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #22881-0

Applicant: Noble, Alan & Heather
Decision Date: 1989

Application #23968-0

Applicant: Omega Farms - not him?
Decision Date: 1989
Proposal: Subdivision
Decision: Allowed

Application #28842-0

Applicant: NOBLE, ALAN & HEATHER
Decision Date: 1994
Proposal: Subdivision
Decision: Allowed subdivision of 6 lots of 2 ha each from a 12 ha portion of Lot B, with a 14 ha area the Commission designated as the remainder. *This decision created the subject property.*

Application #28842-1

Applicant: NOBLE, ALAN & HEATHER
Decision Date: October 02, 2003
Recon: Request for reconsideration of the Commission's earlier approval of the above application. With the inclusion of roads and other takings from the property, the applicant finds that he can not get 6 - 2 ha lots and still leave a 14 ha remainder as per the Commissions' approval. He is now requesting permission to subdivide a 2 ha lot from the 14 ha remainder to get 6 lots and leave 12 ha in the ALR as one un-subdivided unit.
Decision: Refused as proposed. The Commission reconfirmed the original decision to retain a 14 ha portion of the property in the ALR.

Application #35395-0

Applicant: Noble, Alan

Decision Date: June 10, 2004

Proposal: To exclude the 14 ha property from the ALR. He states that the farming operation has not proven to be viable despite intensive upgrading steps. Soils, slopes and lack of water have all contributed to the difficulty in farming the property.

Decision: Refuse exclusion- land has sufficient capability to warrant retention in ALR. Commission feels that loss of water rights was to an extent self inflicted due to subdivision access, and is not convinced that water could not be found on the property.

Recon May 2006: Request for reconsideration of exclusion application to subdivide into (3) 2.0 ha lots instead. Request denied and original refusal confirmed.

Recon April 26, 2007: To reconsider the application either as originally proposed for exclusion, or as proposed for subdivision. Request denied and original refusal confirmed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Nanaimo Board: No comments or recommendations

Local Government Staff: See attached Planning Report

STAFF COMMENTS:

- The majority of the area proposed for subdivision is rated improvable to 50% Class 5, 50% Class 3.
- The applicant states that the subdivision is for a family member, and that a house would be built on the top of the lot, leaving the bottom land in pasture as part of the farming operation.
- A site visit may help to determine if the current proposal is substantially different than previous proposals which were refused by the Commission.

ATTACHMENTS:

- ALC Context Map 1:20,000
- ALC Context Map 1:50,000
- Aerial Photo
- Plan of proposed subdivision
- Ag Cap Map
- Land use area plan
- Local Government Report

END OF REPORT



Signature



Date