



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

January 10, 2006

Reply to the attention of Ron Wallace

Irene Wenngatz  
10 Victoria Crescent  
Nanaimo, BC V9R 5B8

Dear Madam:

Re: **Application # S-36289**  
**District Lot 19, Nanoose District, EXCEPT That Part in Plan 13475**

This is further to the Provincial Agricultural Land Commission (the "Commission") letter of 21 December 2005 regarding the above noted application. The application, as noted before, is to develop a commercial composting operation on approximately 4 ha of the subject property and was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

This is to advise that the Commission approved your application but mistakenly included conditions that are not part of its decision. Therefore please consider the following to be the correct decision.

The Commission has approved your application subject to:

- the use being restricted and contained to the  $\pm 4$  ha area identified on 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 Regional District of Nanaimo at your earliest convenience.

The decision noted above is recorded as Resolution **#623/2005**.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Nanaimo  
Fern Road Consulting Ltd, PO Box 405, Qualicum Beach V9K 1S9

RW/lv/Encl./36289d1





**Staff Report**  
**Application # S – 36289-0**  
**Applicant: Irene Wenngatz**

**Agent: Fern Road Consulting Ltd**

**DATE PREPARED:** November 8, 2005

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To develop a commercial composting operation on approximately 4 ha of the subject property. The proposed composting site will be located in the middle of the property on a gravel ridge that is adjacent to an existing composting operation.

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

**BACKGROUND INFORMATION:**

The original operation was located at Hof Waldeck Farm and has been operational since August 1996. It was located on about 2 ha in the southeast corner of the property, which is part of a gravel ridge that is overlain onto hardpan that extends into the new site that is located just across the property boundary. In March 2004, Earthbank moved from Hof Waldeck Farm to the present location, the subject site to this application. All processing is done on the subject site (Wenngatz property).

The fish compost produced by Earthbank is a Class A compost that is utilized by gardeners, landscapers, organic farmers, golf courses, residences, nurseries and greenhouses.

**Local Government:**

Regional District of Nanaimo

**Legal Description of Property:**

1. PID: 009-355-651  
District Lot 19, Nanoose District, EXCEPT That Part in Plan 13475;

**Purchase Date (m/d/y):**

01/17/2000

**Location of Property:**

The site is located south of French Creek.

**Size of Property:**

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

**Present use of the Property:**

The proposed use will occur on the middle portion of the property, near the Hydro and Terrasen Gas Statutory Rights of Way. The north half of the property is a failed hybrid poplar plantation that was recently abandoned. The south half of the property is arable farmland.

**Surrounding Land Uses:**

**WEST:** Hof Waldeck farm, dairy cows and beef  
**SOUTH:** Woodlot  
**EAST:** Large land holding in ALR. Was a dairy farm now is Little Qualicum Cheese Works  
**NORTH:** Woodlot, Morningstar Golf Course

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.039  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Rural designation within the French Creek OCP

**Zoning Bylaw and Designation:**

Rural 1 (RU 1), 8.0 ha MLS

The uses permitted within this zone include agriculture, aquaculture, home based business, produce stand, residential use, silviculture

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**RELEVANT APPLICATIONS:****Application #32395-0**

**Applicant:** Kristoff Enterprises Ltd.  
**Decision Date:** February 17, 1999  
**Proposal:** The applicants propose to subdivide a 2 ha lot from the northwest corner of the property to retire. The applicants would move into an existing small home on the proposed lot and sell the farm with all the existing buildings including the large farm house  
**Decision:** Refused on the grounds that the property has good agricultural capability and subdivision would divide the usable portion of the property between two lots.

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**Application #32395-1**

**Applicant:** Kristoff Enterprises Ltd.  
**Decision Date:** September 27, 1999  
**Proposal:** To subdivide a 2 ha lot from the northwest corner of the property to retire. The applicants would move into an existing small home on the proposed lot and sell the farm with all the existing buildings including the large farm house. The two houses have  
**Decision:** The Commission reconfirmed its decision to refuse the request for

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**Application #33598-0**

**Applicant:** Fritzsche, Volkhard & Monika  
**Decision Date:** March 09, 2001  
**Proposal:** This application has three parts:

1) boundary adjustments to change five lots to four  
2) road dedication to access one of the four lots above  
3) permission for a composting operation on a portion of one lot  
**Decision:** Allow all aspects of consolidation and road allowances.  
Approve compost operation in principle subject to submission of details on operation: volumes, materials etc. - must be confined to 1 ha area as submitted

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**Application #32395-2**

**Applicant:** Kristoff Enterprises Ltd.

**Decision Date:** February 27, 2003

**Proposal:** Kris and Birte Sorensen (Kristoff Ent) would like the Commission to reconsider their application for subdivision of a 2 ha lot from this 30 ha property for a homesite lot. While the Commission has considered this proposal twice, it has never visited the property.

**Decision:** Allow as requested - following an onsite meeting with the applicant, the Commission felt that the subdivision fit within the spirit of the HSS policy, and that the proposed subdivision would not affect farming of this or neighbouring properties in the future.

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**Application #36215-0**

**Applicant:** Church Road Industrial Inc.

**Decision Date:** September 28, 2005

**Proposal:** To dedicate a 20 meter wide road off Church Road through the eastern and northern boundary of a block of ALR land to provide road access to both the ALR land and to permit further subdivision on the non-ALR lands in a logical pattern. It is estimated that 3 ha of ALR will be required for the proposed road dedication as shown on the attached plan.

**Decision:** Allow proposed road dedication subject to consolidation of two lots in eastern block of ALR.

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**Application #32395-3**

**Applicant:** Kristoff Enterprises Ltd

**Decision Date:** September 28, 2005

**Proposal:** To retain the original loghouse as a second dwelling.

**Decision:** Refuse request to retain original loghouse a second dwelling.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board**

The Regional Board did not provide a specific comment regarding this application.

**Local Government Staff**

The Planning Staff made the following comment without prejudice: The applicants lease their land to the operator of a commercial composting facility, a facility where materials are brought on-site, composted and then sold. Commercial composting is not a permitted use in the RU 1 zone. A bylaw amendment application has not yet been received by the RDN.

**STAFF COMMENTS:**

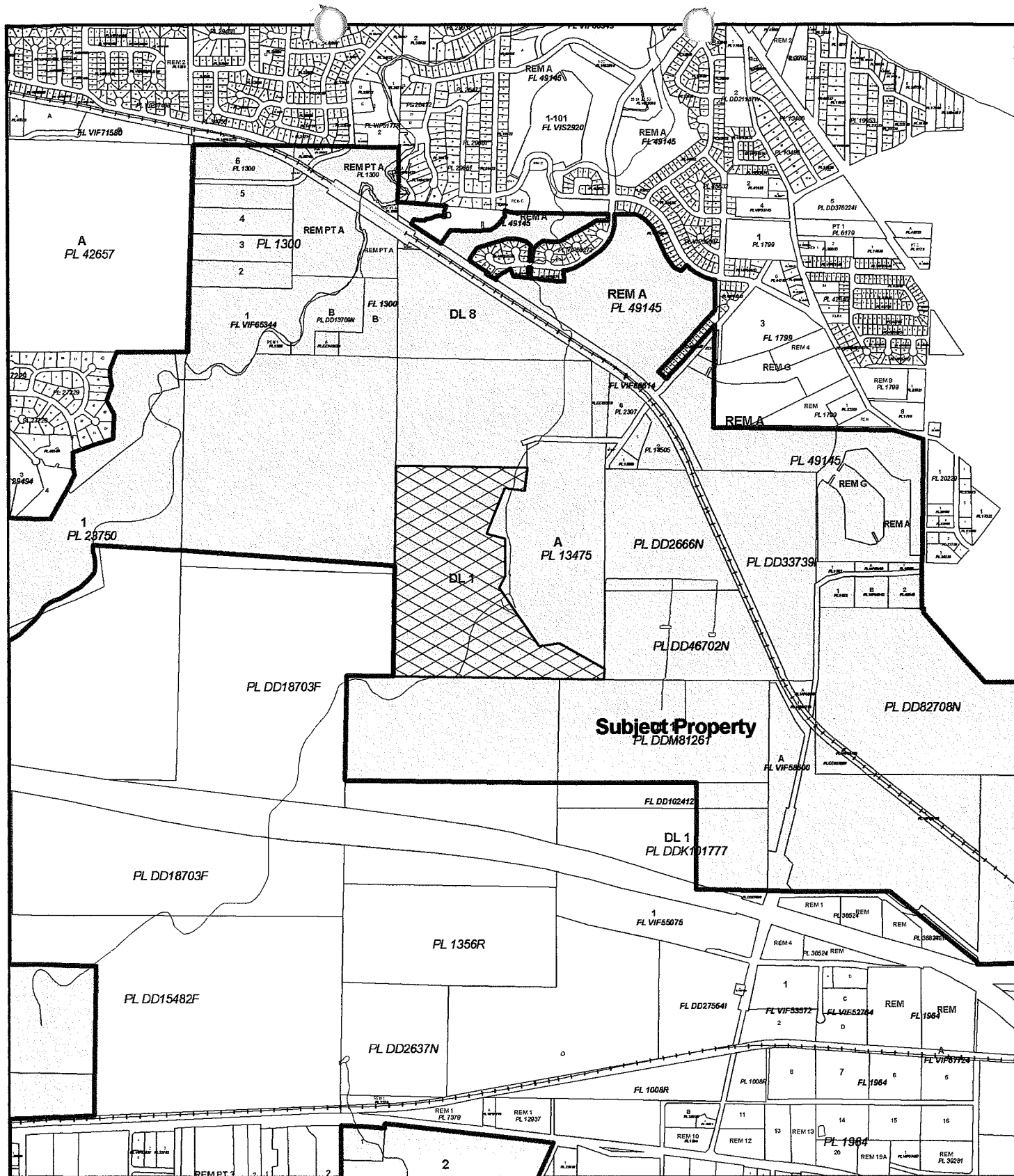
The Commission approved the composting operation on the adjacent property to the west, #S-33598 the Hof Waldeck Farm, as noted above. The applicant has indicated that in March 2004, the composting operation was moved from Hof Waldeck Farm to the present location on District Lot 19, Nanoose District (owned by Irene Wennngatz). Staff recommends an on-site to determine the suitability of this location for the proposed operation and if so whether any conditions should be imposed to limit any potential impacts to agriculture.

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END OF REPORT

  
Signature

Nov 8/05  
Date



**ALC CONTEXT MAP**  
**Application # 36289**

**Map Scale: 1: 20000**

**ALC File #: 21-05-36289**

**BCGS Map Sheet #: 92F.039**

**Regional District: Nanaimo** C.11