



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

February 20, 2006

Reply to the attention of Ron Wallace

Peter Morin  
7237 McKay Avenue  
Burnaby, BC V5J 3S8

Dear Mr. Morin:

Re: **Application #S-36327-0**  
**Lot 1, District Lot 67, Nanoose District, Plan 29941**  
**Lot 2, District Lot 67, Nanoose District, Plan 29941**  
**Lot 3, District Lot 67, Nanoose District, Plan 29941**  
**Lot 4, District Lot 67, Nanoose District, Plan 29941**  
**Lot 5, District Lot 67, Nanoose District, Plan 29941**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted properties from the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

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

The Commission refused the exclusion of lots 2, 3, 4 and 5 noted above due to its opinion that these lots have agricultural potential and should be retained in the ALR. The Commission approved exclusion of lot 1 noted above as it felt the lot has low agricultural potential due to steep topography and rocky soil characteristics. As a result, lot 1, as shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Regional District of Nanaimo.

The decision noted above is recorded as Resolution **#007/2006**.

By way of a copy of this letter the Registrar of Land Titles is advised that the ALR notation can be removed from the Certificate of Title for Lot 1, Plan 29941.

It is a condition of this approval that the owner or occupier must 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 suggests you contact the Regional District of Nanaimo at your earliest convenience.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Nanaimo (#92F.030.3.1)  
Land Titles - Victoria

RW/lv/Encl./36327d1

**PLAN OF SUBDIVISION OF LOTS 2 AND 3, PLAN 6348,  
DISTRICT LOT 67, NANOOSE DISTRICT**

SECT. 1, 1000 - 100 1982

**LEGEND**

- OPCm Crests standard concrete post found
  - OP " 1982 post found
  - IP " iron post set
- Measurements are derived from P.M. 82102.

411325  
411327  
43

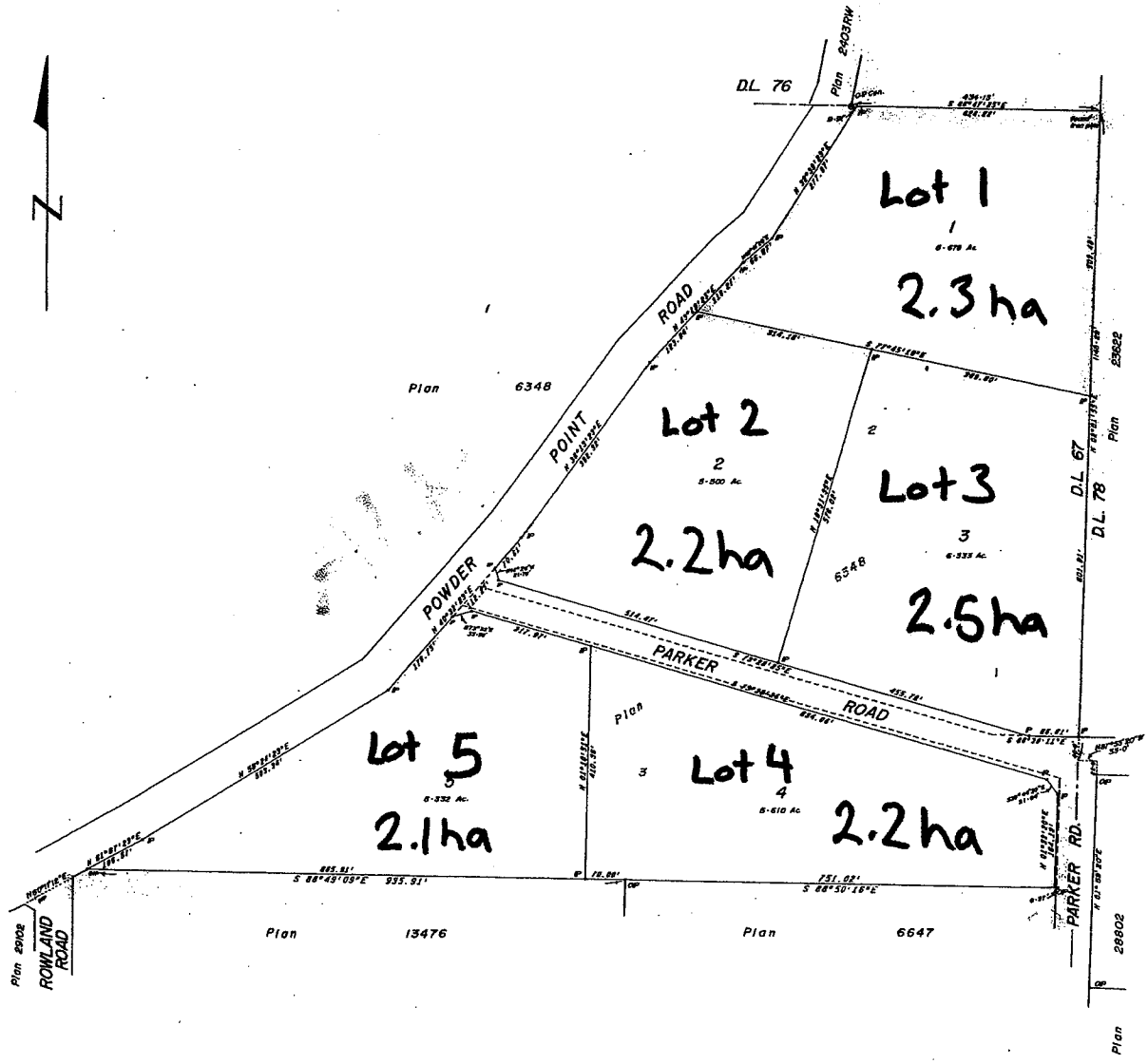
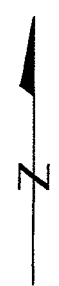
**PLAN 29941**

Deposited in the Land Registry Office at Victoria, B.C.  
this 12th day of October, 1976

Approved under the Land Registry Act  
this 12th day of October, 1976

Approved under the Land Registry Act  
this 12th day of October, 1976

Approving Officer  
DEPT. OF HIGHWAYS  
THIS PLAN LIES WITHIN THE NANAIMO REGIONAL DISTRICT



I, CHARLES G. SMYTHIES OF THE CITY OF NANAIMO, BRITISH COLUMBIA  
LAND SURVEYOR, MAKE STATE AND SAY THAT I WAS PRESENT AT THE  
SITE PERSONALLY, SUPERVISED THE SURVEY, AND CALLED BY THIS PLAN  
AND THAT THE SURVEY AND PLAN ARE CORRECTLY MADE AND THAT  
THE SAID SURVEY WAS COMPLETED ON THE 12th DAY OF JUNE 1976  
SHOWN BEFORE ME THIS 23rd DAY OF July 1976 B.C.L.S.  
*Charles G. Smythies*  
A COMMISSIONER FOR TAKING AFFIDAVITS WITHIN BRITISH COLUMBIA

**Provincial Agricultural Land Commission**  
**Application: S-36327-0**  
**Resolution #007/2006**

Lot 1 approved for exclusion from the ALR.





**Staff Report**  
**Application # S – 36327-0**  
**Applicants: Peter Morin, David Morin, Steven Gaucher, Brian Krause, Melodyi Krause, Joan Russill**  
**Agent: Peter Morin**

**DATE RECEIVED:** October 26, 2005

**DATE PREPARED:** December 14, 2005

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

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To exclude five properties, total area 11.3 ha, from the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The local government report indicated that the Official Community Plan designates a 8.0 ha minimum parcel size. No subdivision has been proposed. Mapping indicates that there may be a riparian area that traverses Lot 1 and a wetland or pond on Lots 4 and 5. The proposed exclusion is based on soil classification (they indicate Class 7) and the gravel nature of the land that the applicants contend is poorly suited for agriculture.

An application to exclude this area was made in 1974 (file # 74-0396). It was refused but the subdivision of the original two parcels into the five under application today was allowed.

Two pieces of correspondence were received from the public. Both of these letters opposed the exclusion of the property.

**Local Government:**

Regional District of Nanaimo

**Legal Description of Properties:**

1. PID: 001-305-247  
Lot 1, District Lot 67, Nanoose District, Plan 29941
2. PID: 001-305-255  
Lot 2, District Lot 67, Nanoose District, Plan 29941
3. PID: 001-305-263  
Lot 3, District Lot 67, Nanoose District, Plan 29941

4. PID: 001-305-271  
Lot 4, District Lot 67, Nanoose District, Plan 29941
5. PID: 001-305-298  
Lot 5, District Lot 67, Nanoose District, Plan 29941

**Location of Properties:**

Power Point Road and Parker Road near Nanoose Bay, Nanaimo

**Dates of Purchase:**

- Lot 1:** October 1960
- Lot 2:** October 1960
- Lot 3:** April 2002
- Lot 4:** November 1996
- Lot 5:** May 1977

**Size of Properties:**

Total size 11.3 ha (All of the properties are within the ALR).  
The individual properties range from 2.1 to 2.5 ha.

**Present use of the Properties:**

Lots 1, 2 & 5 are bush and trees; Lots 3 & 4 have a house on each lot and some clearings, the rest is treed.

**Surrounding Land Uses:**

- WEST:** Agriculture (ALR)
- SOUTH:** Urban/housing development (non-ALR)
- EAST:** Residential and forested (non-ALR)
- NORTH:** Residential and forested (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.030  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 designates the subject property as Resource.  
Minimum Parcel Size: 8 ha

The OCP is currently being revised and the draft OCP "Nanoose Bay Official Community Plan Bylaw, 1400, 2005 proposes the following designation "Resource Lands within ALR"  
Minimum Parcel Size: 8 ha

**Zoning Bylaw and Designation:**

Regional District of Nanaimo Land Use and Subdivision Bylaw no. 500, 1987 designates the property as Rural 5 subdivision district 'D' (RU5D)  
Minimum Parcel Size: 2.0 ha.

**PREVIOUS APPLICATIONS:**

**Application #74-0396-0**

**Applicant:** Joan Russill

**Decision Date:** March 4, 1975

**Proposal:** To exclude Lots 2 and 3, Plan 6348, District Lot 67, Nanoose District from the ALR.

**Decision:** Refused as proposed. Allowed the subdivision of lots 2 and 3 into five lots not less than 2 ha in size

**Note:** The subject properties are the five lots created by this subdivision.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

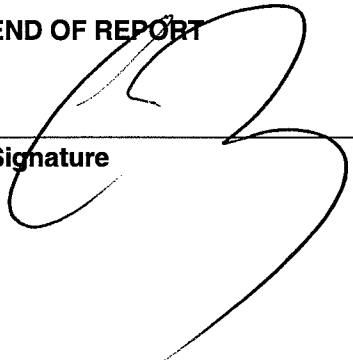
**Board:** The Board passed a resolution in November 2002 stating that the Agricultural Land Commission should determine whether lands should be in the ALR or not.

**STAFF COMMENTS:**

Staff recommend a site visit in order to assess the agricultural capability of the lands.

**END OF REPORT**

**Signature**



**Date**

*Dec 15/05*