



Staff Report
Application # S – 37687
Applicant: Rascal Trucking Ltd
Agent: Rick Sing

DATE RECEIVED: September 18, 2007

DATE PREPARED: November 19, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude the 2.0 ha and 2.7 ha subject properties for residential development

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

BACKGROUND INFORMATION:

The applicant states that exclusion of the ALR portion of each property would protect the pond and wells on the property from contamination which may be caused by farm activity. The applicant further states that a portion of the properties are not useful for agriculture and need infilling.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

1. PID: 017-377-226
Lot A, District Lot 176, Nanoose District, Plan VIP52459
2. PID: 017-377-234
Lot B, District Lot 176, Nanoose District, Plan VIP52459

Purchase Date:

1991-06-01

Location of Property:

2200 and 2220 Rascal Lane, Nanoose, BC

Size of Properties:

1. Lot A - 2.0 ha (Approx. half of the property is in the ALR).
2. Lot B - 2.7 ha (Approx. $\frac{3}{4}$ of the property is in the ALR)

Present use of the Property:

Lot A - Large pond and drilled well,
Lot B - Developed drilled well and pumphouse. Infilling is being done on this former gravel pit.

Surrounding Land Uses:

WEST: Park and Postal Boxes for River's Edge, Residential
SOUTH: Residential
EAST: Farm
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.029(digital)
Lot A is unclassified. Lot B is largely unclassified as well, but a portion of the property (approximately ¼) is identified as having prime ratings of 80% Class 1 and 20% Class 2. A smaller portion is identified as having Class 5 ratings.

Official Community Plan and Designation:

OCP: Electoral Area "E" Bylaw No. 1400 (2005)
Designation: Rural Lands 8.0 ha minimum parcel size

Zoning Bylaw and Designation:

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

PREVIOUS APPLICATIONS:

Application #29040-0

Applicant: Rascal Trucking Ltd
Decision Date: 1994
Proposal:
Decision:

RELEVANT APPLICATIONS:

Application #27106-0 (Adjacent to South)

Applicant: DELEAU, RICHARD & DARLENE
Decision Date: 1992
Proposal:
Decision:

Application #29304-0 (To south)

Applicant: 459985 BC Ltd
Decision Date: December 06, 1994
Proposal: To exclude 8 ha from the ALR for a residential housing development.
Decision: The Commission refused the request for exclusion because the land had good agricultural capability based on size, location and available soils information.

Application #29304-1

Applicant: 459985 BC Ltd
Decision Date: January 30, 1996

Proposal: To subdivide the 31.0 ha property into two lots of 10.0 ha and 21.0 ha as divided by the ALR boundary.

Decision: The Commission allowed both the subdivision along the ALR boundary and the road dedication, however, as a condition of approval it required that a covenant be registered against the non ALR lot restricting the removal of natural vegetation for a depth of 30 meters along the shared ALR/lot boundary. In April 01, 1996 the condition was modified upon reconsideration to a 10 meter buffer and vegetation.

Application #33892-0 (same property as above #29304)

Applicant: H & F Ventures Ltd

Decision Date: June 27, 2001

Proposal: Construction and operation of an indoor composting facility to process 3-4000 tonnes of biosolids and 750-1000 tonnes of wood waste.

Decision: Refuse but would reconsider if more information was submitted.

Application #34353-0 (same property as above #33892)

Applicant: H & F Ventures Ltd.

Decision Date: June 26, 2002

Proposal: To subdivide the 21 ha property into eight lots of approximately 2 ha each. The proposal also requests permission to place a stump dump on the proposed lots.

Decision: Refused as proposed, but approved five (5) 4.0 ha lots. Reconsidered July 19, 2007 to adjust the boundaries and access road; approved with conditions.

Application #35713-0 (Adjacent to North)

Applicant: 642703 BC Ltd (Bev and Gerd Voight)

Decision Date: 2004

Proposal: S/d of 6 lots, only one of which is within the ALR, and road r/w through the ALR for access to lands beyond.

Decision: Allow road r/w - as close as possible to NW corner of DL 45, and creation of lot within ALR of as small a size as possible consistent with adjacent lots (2 ha - no strata division). Subject to fencing along eastern side of road and east side of proposed non-ALR lots.

Application #35948-0 (same property as above #35713)

Applicant: 642703 BC Ltd

Decision Date: May 26, 2005

Proposal: To subdivide eight (8) parcels within the ALR, with proposed parcels ranging in size from 2.0 to 8.0 ha.

Decision: Refuse subdivision based on impact to agricultural potential of the property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Nanaimo Board: No comments or recommendations.

Local Government Staff: Planning Report attached.

STAFF COMMENTS:

- Four letters of opposition were received, one from the adjacent neighbours to the east, which is a working farm, and one from the adjacent neighbour to the south. Main concerns raised are flooding and drainage issues, and buffering from residential uses.


ATTACHMENTS:

- ALR Context Map 1:50,000
- ALR Context Map 1:20,000
- Aerial Photo
- Proposal from Applicant
- Sketch of property
- Local Government Report
- Letters of Opposition (4)

END OF REPORT



Signature



Date