



Staff Report
Application # S – 38843
Applicant: Heather Vallance, S. Rautiainen, T. Rautiainen, P. Sarginson

DATE RECEIVED: February 23, 2009

DATE PREPARED: March 11, 2009

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude the 7.0 ha property.

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

BACKGROUND INFORMATION:

The applicants previously submitted an application for subdivision of the property in 2007, which was refused by the Commission. The applicants submitted a reconsideration request in 2008, with an Agrologist Report. Upon reconsideration of the decision the Commission confirmed its original decision. See below for more details (Resolutions #200/2008 and # 286/2007).

Local Government:

Regional District of Nanaimo

Legal Description of Property:

PID: 004-738-721
Lot 6, District Lot 81, Newcastle District, Plan 8857

Purchase Date:

June 2006

Location of Property:

2450 Whistler Rd West, Qualicum Beach

Size of Property:

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

BACKGROUND INFORMATION (cont.):

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: residential
SOUTH: residential
EAST: residential
NORTH: residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F/07

The majority of the property is identified as having mixed Prime and Secondary ratings. However, an Agrologist Report, prepared by Catherine Orban, P.Ag., was submitted with the application (see attached).

Official Community Plan and Designation:

OCP: Bylaw No 1335, (2003)
Designation - resource lands within subdivision

Zoning Bylaw and Designation:

Zoning: Bylaw No 500, (1987)
Designation - RU1 - rural
Minimum Lot Size- 2 ha

PREVIOUS APPLICATIONS:

Application #37354-0

Applicant: Rautiainen, S, Vallance, H
Decision Date: June 04, 2007
Proposal: Subdivide a 7 ha parcel into a 2 ha lot and a 5 ha lot.
Decision: Refused as proposed on the grounds that there was no agricultural advantage to subdivide the parcel and that the creation of a small lot in this area would negatively impact agricultural in the area.

Application #37354-1

Applicant: Rautiainen, S, Vallance, H
Decision Date: April 24, 2008
Proposal: To reconsider the application to subdivide a 7 ha parcel into a 2 ha lot and a 5 ha lot, based on the submission of an Agricultural Report.
Decision: The Commission reconsidered the application and confirmed its original decision to refuse the subdivision, based on negative impact to the area.

RELEVANT APPLICATIONS:

Application #14670 (Adjacent to East)

Applicant: Oliver, M & E
Decision Date: 1982
Proposal: To subdivide the 4.0 ha property into two 2.0 ha lots
Decision: Refused based on soil capability.

Application #23388-0

Applicant: Cundy, Ronald
Decision Date: 1989
Proposal: To exclude 20.0 ha property for subdivision into 2.0 ha lots
Decision: Refused as submitted but allowed subdivision into five 4.0 ha lots.

Application #27289 (To South)

Applicant: Taylor
Decision Date: 1992
Proposal: To subdivide the 4.0 ha property into two lots of 2.0 ha each
Decision: Refused based on soil capability.

Application #33068 (To South)

Applicant: Fisset
Decision Date: 2000
Proposal: To subdivide the 6.0 ha property into three lots of 2.0 ha each
Decision: Refused on the grounds that there was no benefit to agriculture.

Application #35620-0 (Same property as #23388)

Applicant: Lee, Robert & Jen
Decision Date: December 01, 2004
Proposal: Robert and Jen Lee are requesting subdivision of the subject 4.1 ha parcel into two lots of 2 ha each. They plan to pass these properties on to their sons so that each would have a residence and be allowed to improve their property independently.
Decision: Refused. Property in its current size creates a good buffer between smaller lots to north and larger ALR properties to south.

Application #14670 (To East)

Applicant: Weibe
Decision Date: March 2005
Proposal: To subdivide the two lots of 2.0 ha each from the 13.0 ha property
Decision: Refused based on soil capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Nanaimo Board: Board of Regional Directors passed a resolution dated November 26, 2002 stating that they will not comment on such applications in the ALR.

STAFF COMMENTS:

- The Commission previously refused an application for subdivision on the subject property, due to the potential negative impact to agriculture. It further considered a request for reconsideration, including a report prepared by Mark Turner, P.Ag, as well as a report by Commission Agrologist Trevor Muriel, P.Ag. At that time, the Commission accepted the findings of both agricultural reports, and recognized that the agricultural capability of the property was marginal. However, the Commission believed that the property had more agricultural potential as a single unit and that the proposal may negatively impact agricultural use of surrounding lands. Therefore, it confirmed its original decision to refuse the subdivision of the property.
- The Agrologist Report submitted with the current application concluded that the majority of the subject property (58%) has unimprovable agricultural capability of Class 5; 23% is identified as unimprovable Class 7. The remainder of the property is Class 4 (8%) and Class AN (anthropogenic alteration), which includes housing structures, etc on the property (11%).
- The applicants have presented several alternative options of partial exclusion/subdivision of the subject property for the Commission's consideration.
- There have been several applications for subdivision in the surrounding area, all of which have been refused by the Commission.

- The subject property is within a large block of ALR lands. Exclusion of the subject property may have a negative impact on the agricultural use of surrounding lands.
- A site visit with the applicants and Agrologist present is recommended.

ATTACHMENTS:

1. ALR Context Maps (1:20,000 and 1:50,000)
2. Agricultural Capability Map 92F/07 (1:20,000)
3. Aerial Photograph
4. Letter from Applicants
5. Agricultural Capability Assessment Report, prepared by Catherine Orban, M.Sc. and P.Ag. (11/20/08)
6. Minutes of Res. #200/2008
7. Minutes of Res. #286/2007

END OF REPORT



Signature

3/11/09

Date