



## Provincial Agricultural Land Commission - Staff Report Application: 52218

**Applicants:** Heather Vallance, Paul Sarginson, Taimi and Sakari Rautiainen

**Local Government:** Nanaimo

**Proposal:** To subdivide the 7 ha property into two 2 ha lots and a 3 ha lot, to provide each owner with their own lot.

### BACKGROUND INFORMATION

The applicants bought the property in 2006 with two other partners to utilize the property to raise and train dogs. The reason for the subdivision application is to divest their interests in the property for financial and personal health reasons. The applicants hope to continue their business on a smaller scale, should the application be approved. The Commission has considered and refused two previous applications (subdivision and exclusion) on the subject property. See below for details.

### PROPERTY INFORMATION

**PID:** 004-738-721

**Legal Description:** Lot 6, District Lot 81, Newcastle District, Plan 8857

**Property Area:** 7.0 ha

**Purchase Date:** June 14, 2006

**Location:** 2450 Whistler Rd West, Qualicum Beach

**Owners:** Heather Vallance, Paul Sarginson, Taimi and Sakari Rautiainen

### LAND USE

#### Current Land Use:

A single family dwelling and a trailer are located on this forested parcel.

#### Surrounding Land Uses:

North: 2 ha rural residential

East: 4 ha rural residential

South: 4 ha rural residential

West: 16 ha rural residential

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 7.0 ha

Number of Lots	ALR Area of Lot (ha)
2	2.0
1	3.0

#### Agricultural Capability:

The majority of the area under application is rated as: Secondary

**Source:** On-Site

**Mapsheet:** 92 F/7

## PREVIOUS APPLICATIONS

**Application ID:** 45792

**Legacy #:** 38843

**Applicant:** Heather Vallance

**Proposal:** To exclude the 7.0 ha property.

**Decision:**

Resolution #	Decision Date	Decision Description
105/2009	March 26, 2009	Refused as proposed due to impact on agriculture.

**Application ID:** 43948

**Legacy #:** 37354

**Applicant:** Vallance, H Rautiainen, S

**Proposal:** Subdivide a 7 ha parcel into a 2 ha lot and a 5 ha lot.

**Decision:**

Resolution #	Decision Date	Decision Description
286/2007	June 4, 2007	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 agriculture in the area.

## RELEVANT APPLICATIONS

**Application ID:** 45814

**Legacy #:** 38862

**Applicant:** Spectrum Seniors Housing Development

**Proposal:** Renovation and conversion of the existing buildings on the subject property to allow for the use as an affordable seniors housing complex. The existing 98 suites would be renovated to provide 52 rental suites with a common dining and recreation area. Orchards and other existing agricultural operations on the property would be retained and enhanced/enlarged to provide opportunities for the benefit of residents.

**Decision:**

Resolution #	Decision Date	Decision Description
236/2009	May 25, 2009	Allow

**Application ID:** 45622

**Legacy #:** 38693

**Applicant:** TimberWest Forest Corp. and Pacific Forest Products Ltd. (wholly owned subsidiary of TimberWest)

**Proposal:** To subdivide the 253.2 ha subject property to create a 84.3 ha parcel and 168.9 ha lot as divided by Inland Island Highway.

**Decision:**

Resolution #	Decision Date	Decision Description
91/2009	March 26, 2009	Approved on the condition that the southwest portion of the subject property (DL 90) be consolidated with the adjacent property, Block 1372.

**Application ID:** 41764

**Legacy #:** 35813

**Applicant:** Robert & Brenda Wiebe

**Proposal:** To subdivide two parcels of 2 ha each at the southern end of the 13 ha property. The southern end of the property is higher in elevation and characterized by gravely/stony material and a thin to non-existent organic layer. As a result, the applicant claims conventional agriculture of any kind would be extremely difficult in this portion of the property. Access to the two proposed lots would be off Fowler Road, which has hydro running along it. The applicants plan to sell one 2 ha parcel, quite possibly to a family member, which would help finance their farm plans on the rest of the property. The other 2 ha parcel would be kept for a future retirement site.

**Decision:**

Resolution #	Decision Date	Decision Description
103/2005	March 8, 2005	Refuse due to property having agricultural capability.

**Application ID:** 41513

**Legacy #:** 35620

**Applicant:** Robert & Jen Lee

**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. The applicants state that this presently undeveloped property, if subdivided, would offer the opportunity to be improved and enjoyed as two residential parcels.

**Decision:**

Resolution #	Decision Date	Decision Description
544/2004	December 1, 2004	Refuse subdivision as proposed - property in its current size creates a good buffer between smaller lots to north and larger ALR properties to south.

**Application ID:** 28465

**Legacy #:** 14670

**Applicant:** Malcolm & Elsie Oliver

**Note:** To subdivide the 4.2 ha property into two equal parcels, Refused (1179/1982)

**Application ID:** 15085

**Legacy #:** 33068

**Applicant:** Dorothy Fiset

**Proposal:** The applicant proposes to subdivide the property into three lots of roughly 2.4 ha, 2.2 ha and 2 ha. The applicant proposes to retire and move off the property but would like to subdivide for the reasons that smaller parcels are easier to sell than a la

## RELEVANT APPLICATIONS

### Decision:

Resolution #	Decision Date	Decision Description
111/2000	February 24, 2000	Refused on the grounds that there is no past precedent or benefit to agriculture in allowing the proposed subdivision.

**Application ID:** 8388

**Legacy #:** 18776

**Applicant:** Agricultural Land Commission

**Proposal:** Block Application - Application to the Lieutenant Governor in Council by the ALC for the exclusion and inclusion of land from the ALR of the Regional District of Nanaimo

### Decision:

Resolution #	Decision Date	Decision Description
528/1986	May 16, 1986	The Commission recommended inclusion into the ALR and exclusion of land from the ALR based on the land's agricultural capability

**Application ID:** 2889

**Legacy #:** 29561

**Applicant:** Robert & Jen Lee

**Proposal:** To subdivide two 4.6 ha lots into four lots of equal size for relatives (parents and children).

### Decision:

Resolution #	Decision Date	Decision Description
331/1995	April 19, 1995	The Commission refused the proposed subdivision on the grounds of reduced capability and impact. Two Commissioners were opposed to the resolution because of the poor quality of the soils and the small size of the properties.

**Note:** The Commission allowed the proposed four lot subdivision upon reconsideration. The land has very poor capability for farm uses.

**Application ID:** 2551

**Legacy #:** 29235

**Applicant:** Rory and Geraldine Carey

**Proposal:** s/d of 9.0 ha lot into 2 lots of 1 and 8 ha.

### Decision:

Resolution #	Decision Date	Decision Description
973/1994	October 24, 1994	Refused due to good agricultural capability.

**Application ID:** 1813

**Legacy #:** 28522

**Applicant:** K. KURELJA

**Proposal:** Boundary adjustment: To subdivide 2.0 ha from lot 32 to consolidate with a portion of lot 12. Refused as the Commission believes that this proposed lot reconfiguration would reduce the real farmable area thus impairing the agricultural potential. (Resolution #276/1994).

**Application ID:** 1116

**Legacy #:** 27289

**Applicant:** J & D TAYLOR

**Note:** The proposal was to subdivide the 4.2 ha property into roughly two equal parcels. Refused (Resolution #335/1993)

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Electoral Area H OCP #1335

**Designation:** Resource

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Bylaw #500

**Zoning Designation:** RU 1

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Board/Council**

The Regional District of Nanaimo forwarded the application without comment, indicating that as a policy the District supports the ALC only consider subdivision where in the opinion of the ALC, the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.

## ALC STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The on-site soil capability ratings (Catherine Orban, P.Ag) indicate that this parcel is affected by CLI class 4 (10%), 5 (60%) and 7 (30%) soils. The primary limitations to agricultural development are aridity (A), stoniness (P) and unfavourable soil structure (D). This same report was also considered during the previous application for exclusion (38843).
- 2) Portions of this property and the adjoining land to the northwest were included into the ALR in 1975 as part of an early fine tuning review. The agricultural capability in this area is varied. Some of the properties to the south of the subject property are identified on the BCLI maps as having Class 2 and 3 lands, while the block of lands to the north and east have a majority of secondary agricultural capability identified.
- 3) Upon review of the aerial photographs, and based on previous inspections conducted by the Commission in this area there is limited land clearing and agricultural improvement in this area.
- 4) Generally subdivision does not support agricultural development. The Commission has twice refused exclusion/subdivision of this parcel. On previous considerations of this property, the Commission recognized that the agricultural capability of the property was limited, but was of the view that subdivision would further limit its capabilities. Further, the Commission considered that the property was in a large block of ALR lands, and that the surrounding area was generally of comparable parcel size and agricultural capability as the subject parcel. It was concluded that the creation of small lots in this area would negatively impact agricultural use in the long term.
- 6) In the past the Commission has taken the view that ALR parcels in this area should be retained as large as possible to preserve agricultural utility. It has reviewed a number of applications for subdivision, and has consistently refused subdivision in this area, particularly for 2.0 ha lots, with the exception of allowing a subdivision of a large adjoining parcel to the northwest in 1995 because of poor agricultural capability.
- 7) The applicants' provided a list of recent Commission-approved applications as a part of their proposal. Upon review, staff found that the majority of the applications listed were in other areas of the province, mainly the Kootenay region and Thompson-Nicola area, and had very different circumstances affecting their proposals. A list of these applications and their basic information is appended to the staff report for review. In any event, the Commission makes its decisions based on a case-by-case review of each application. That said, staff have included information about previous files the Commission has considered which are within the immediate vicinity of the subject property. Please see the previous and relevant applications section for more details.

## ATTACHMENTS

52218 airphoto map.pdf

52218 ALR map.pdf

52218 Sketch plan.pdf

52218 applications cited by applicant.pdf

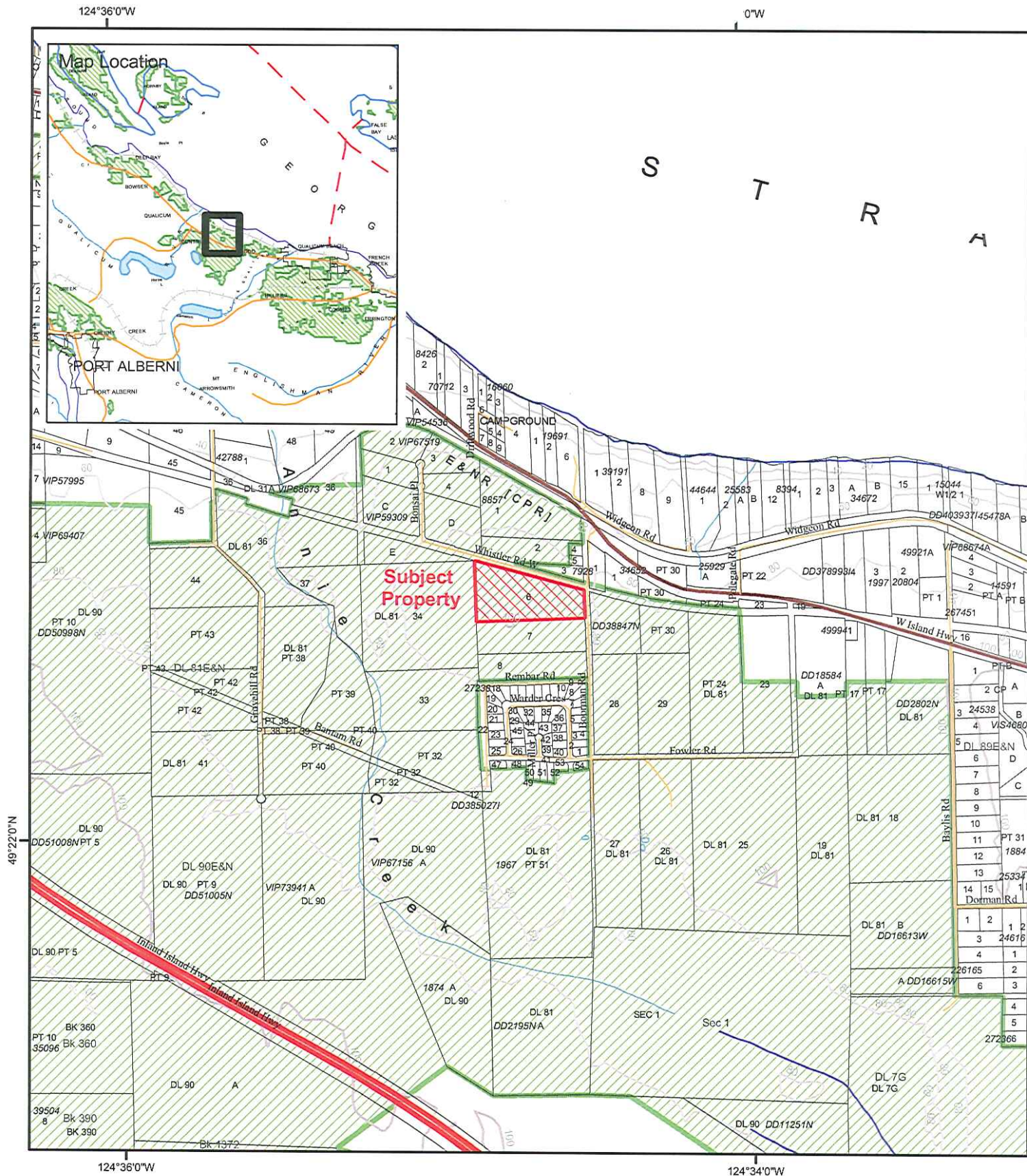
52218 Applications cited by applicant.docx

52218 agrologist soil capability map.pdf

## END OF REPORT

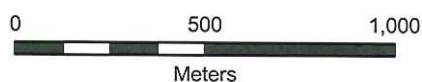
**Prepared by:** Martin Collins and Terra Kaethler (September 16, 2011)





# **ALC Context Map**

Map Scale: 1:20,000



ALC File #: 52218  
 Mapsheet #: 92F.038  
 Map Produced: March 5, 2009  
 Regional District: Nanaimo



124°34'0"W



124°34'0"W



Map Scale: 1:10,000

0 55 110 220 330 440 550  
Meters

ALC File #: 52218

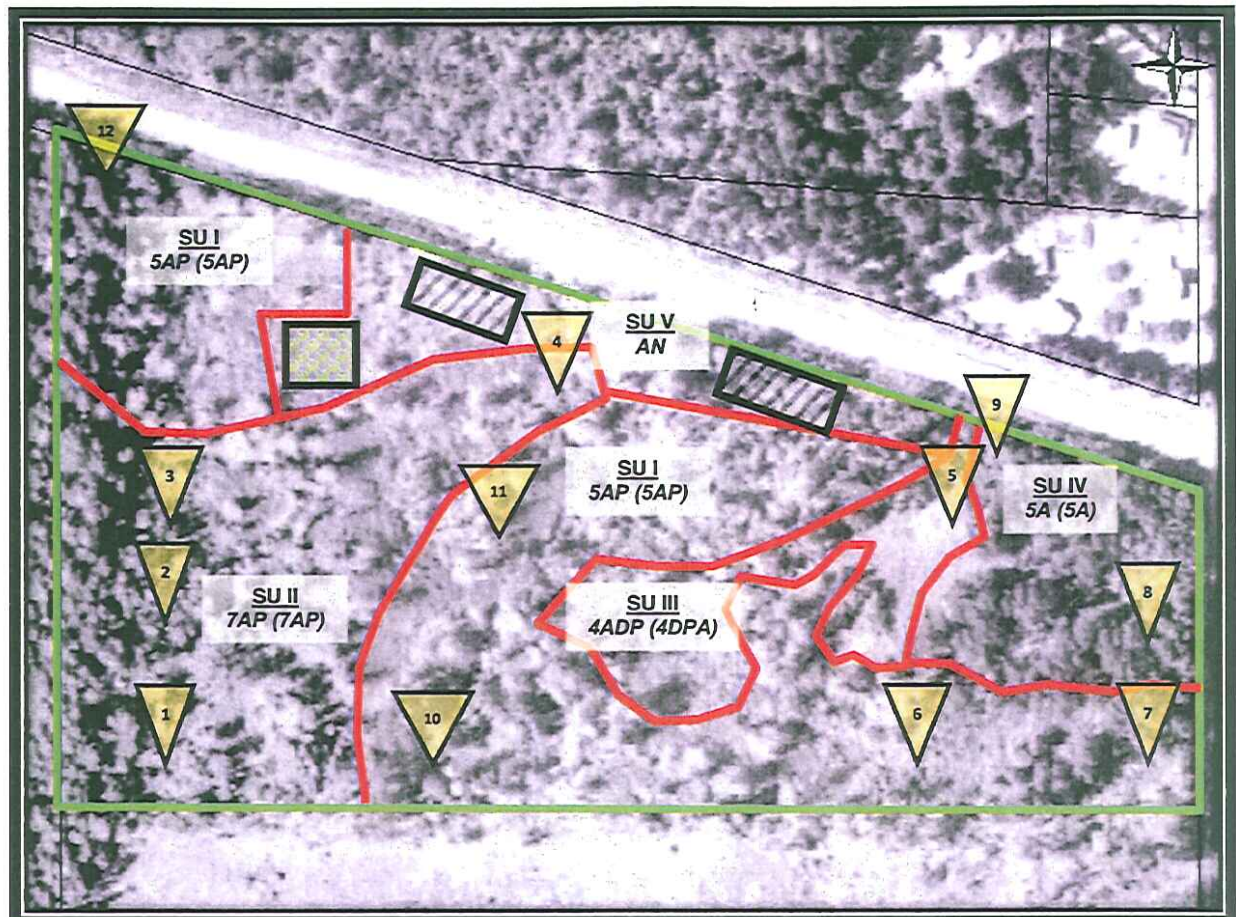
Mapsheet #: 92F038

Map Produced: May 17, 2007

Regional District: Nanaimo








Figure 7 – 2450 Whistler Road West, Qualicum Beach, BC – Site Plan



Source: RDN Website (<https://rdnweb.com/onpointgis/onpoint>)

Date: 2003

Scale: +/- 1:2400

-  Soil Test Pit
-  Residential Structures (Temporary & Permanent)
-  Cleared & Graded
-  Soil Unit Boundaries
-  Subject Property Boundary
- SU II  
7AP (7AP)      Soil Unit Number  
Unimproved Agricultural Capability (Improved Agricultural Capability)



1.7 ACRES

ALR

2.2 ACRES

WOOD  
ALLOWANCE

2.5 ACRES

NOT  
IN

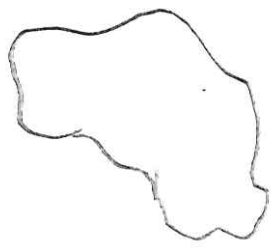
ALR

# BOORMAN Rd

12 ACRES  
ALR

4AP  
7.0 ACRES

5AP



HOUSE

7.4P

5.25 ACRES

5AP



TRAILER

5.14 ACRES

PREPOSED  
SUBDIVISION

MOSTLY  
7AP

2 ACRES NOT  
IN ALR

320

Approved applications cited by applicant (52218)

On Island:

1. 38862– 2009 – in area - non farm use to convert existing buildings for affordable seniors housing complex of 52 suites (down from existing 98) - approved
2. 50100 -2009 – Nanaimo (Wellington). Second dwelling/ subdivision as property divided by a lake/swamp. - approved
3. 45107(38227) – 2008 – Port Alberni – To subdivide a 2 ha lot for daughter – approved, subject to no-build covenant on property, with exemption of rocky knoll in corner. The balance of the property was used for agricultural purposes.
4. 51802 – 2010 – Sooke (Sun River). Exclusion of 6 ha/Inclusion of 7.6 ha - approved

Elsewhere in Province:

1. 51756 – 2010 – Cariboo – Exclusion of 12 ha - approved
2. 43024 (36576) – Okanagan-Similkameen – Exclusion of a 1.7 ha for campground based on historic use as a campground. Remainder of property will be developed as a vineyard/winery - approved
3. 50601 -2009 – Thompson-Nicola. To s/d 62.4 ha into 2 lots of 9 ha and remainder of 45 ha
4. 50145 -2009 –Summerland. Exclusion of 1.3 ha portion of 4 ha property with conditions.
5. 51150 -2009 – East Kootenay -Exclusion of 60 ha – approved.
6. 51248 – 2010 – Central Kootenay – Exclusion of 19 ha – approved.
7. 51149 – 2010 – East Kootenay – Exclusion of 13 ha from 27 ha property – approved.
8. 51171 – 2009 – Central Kootenay – Exclusion of 9 ha – approved.
9. 51730 – 2010 – Central Kootenay – Exclusion of 3 properties totalling 16 ha, used for industrial use – approved.
10. 45620 (38691 )- 2008 - Thompson-Nicola - To subdivide 7 ha from 22 ha property.
11. 44151 (37516) – 2007 – Thompson-Nicola – To subdivide 47 ha, Inclusion of 320 ha of land, consolidation of 3 titles into one of 80 ha parcel – approved.
12. 46018 (39084) – Cariboo – To subdivide into 6, 8.5 and 14 ha lots – approved.