



**REQUEST FOR COMMENT ON NON-FARM USE IN THE AGRICULTURAL LAND RESERVE
APPLICATION NO. PL2023-146 – 950 CLARKE ROAD, ELECTORAL AREA F**

Please note: Attachment 4 was added after the Agricultural Advisory Committee meeting prior to going to the Electoral Area Services Committee meeting on March 7, 2024

Please note: The recommendation was varied by the Committee as follows:

That the Board recommend that the Agricultural Land Commission not approve Non-Farm Use Application No. PL2023-146 (ALC File No. 69818) to permit the mining of a quarry of sand and gravel, and the placement of topsoil fill for agricultural use.

RECOMMENDATION

That the Board recommend that the Agricultural Land Commission approve Non-Farm Use Application No. PL2023-146 (ALC File No. 69818) to permit the mining of a quarry of sand and gravel, and the placement of topsoil fill for agricultural use.

BACKGROUND

The Regional District of Nanaimo (RDN) has received a non-farm use application from Brian Simmons on behalf of Coombsco Holding Inc. for the removal of soil and the placement of fill in the Agricultural Land Reserve (ALR). The proposal is to allow the mining of a quarry of sand and gravel, and then once the mining is completed, topsoil will be spread out on the flat land for agricultural use. A non-farm use application is required under the Agricultural Land Reserve Use Regulations as the total volume of material being removed from the property will be 89,400 m³ and 3,500 m³ of fill will be placed on the property.

The subject property, legally described as Lot 11, District Lot 74, Newcastle District, Plan 2002 Except Parts in Plans 24130 and VIP72129, is approximately 20.24 hectares in area and is located entirely within the ALR. The property is located to the south of Alberni Highway and bound by Burbank Road to the east and Clarke Road to the west and is surrounded by Agriculturally zoned properties also located within the ALR. The property currently contains a dwelling unit (see Attachment 1 – Subject Property Map and Attachment 2 – 2022 Aerial Photo). The property is serviced by a well and onsite sewage disposal.

Regional Growth Strategy and Official Community Plan Implications

The subject property is currently designated as Resource Lands and Open Space pursuant to the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” (RGS). Lands designated as Resource Lands and Open Space are primarily intended to accommodate agricultural activities, forestry, aggregate mining, and other primary industries, and for recreational and/or environmental protection purposes. The RGS policies recognize aggregate resource development companies to have the right to operate on land within this designation in compliance with local, provincial, and federal government regulations.

The subject property is also designated as Resource Lands within the ALR pursuant to the “Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999”(OCP). The OCP supports the long-term viability of the natural resource land base and protection from activities that may diminish its resource value or potential. The applicant has identified that the proposed natural resource extraction will occur and then the topsoil will be spread out on the flat land for agricultural use.

Land Use Implications

The subject property is zoned Agriculture 1 (A-1) pursuant to “Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002”. The A-1 zone permits a dwelling unit, farm use, and agriculture on the property. The applicant proposes aggregate extraction activities. The Province has exclusive jurisdiction over mines and mining activities, which include aggregate extraction activities. Bylaws such as official community plan, zoning and building do not apply to mining activities.

The applicant is proposing to extract 89,400 m³ of sand and gravel from a hill on the subject property. The total area in which extraction activities will occur is 2.33 hectares of land on the northeast side of the subject property as shown in Attachment 3 – Site plan. The total depth of the proposed extraction activities will be 10 metres and the extraction activities will occur over a 10 year period of time.

The finished quarry floor will have a 1 to 2% slope to the northwest, the existing direction of drainage. Once the proposed extraction activities in that area are completed, the 3,500 m³ topsoil will be spread out on the quarry floor. To prevent water erosion, equipment tracks will be perpendicular to the slope of the land.

The 3,500 m³ topsoil (15 cm deep) will be seeded with a cover crop for erosion and weed control. The cover crop will also enhance and build up the soil. Crops that require good drainage, such as blueberries, are being considered for the reclaimed site.

Intergovernmental Implications

A Notice of Work has been submitted to the Ministry of Energy and Mines. The Province has exclusive jurisdiction over mines and mining activities. Mining activities include aggregate extraction. In this regard, a local government does not have authority over land use, soil deposit and removal. Bylaws such as official community plan, zoning and building do not apply to mining activities. Should a mining operation be non-compliant with their approved Mining or Quarry Permit, this would be a matter for the Provincial Government to enforce.

Board Policy Procedure

Regional District of Nanaimo “Board Policy B1.8: Review of Provincial Agricultural Land Reserve Applications” (Policy B1.8) provides an opportunity for the Agricultural Advisory Committee (AAC) and Electoral Area Director to provide comments on applications for non-adhering residential use, soil use, inclusion, subdivision or non-farm use on lands within the ALR. The Electoral Area Director's comments have not yet been received. In accordance with Policy B1.8, the Electoral Area Services Committee will consider the application and forward it to the ALC with a unique and separate resolution for the application.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2024-2027 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and has no implications for the 2023 – 2026 Board Strategic Plan.

REVIEWED BY:

P. Thompson, Manager, Current Planning
L. Grant, General Manager, Development and Emergency Services
D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. 2022 Aerial Photo
3. Site Plan
4. Electoral Area F Director comments