
TO: Agricultural Advisory Committee **DATE:** February 28, 2019

FROM: Stephen Boogaards
Planner **FILE:** PL2019-009

SUBJECT: Request for Comment on Subdivision and Non-Farm Use in the Agricultural Land Reserve
Application No. PL2019-009
Doumont Road – Electoral Area C
Lot 5, District Lot 35, Wellington District, Plan 3225 Except That Part in Plan 44451

SUMMARY

This is an application for subdivision and non-farm use in the Agricultural Land Reserve (ALR) to allow a second dwelling unit and subdivision of the dwellings into strata lots. The property is approximately 3.2 hectares and is located in Electoral Area C. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the Provincial Agricultural Land Commission (ALC), it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for subdivision and non-farm use in the ALR from Glencar Consultants Inc. on behalf of Stephen Wilson. The subject property is located on Doumont Road and is legally described as Lot 5, District Lot 35, Wellington District, Plan 3225 Except That Part in Plan 44451. The subject property is approximately 3.2 hectares in area and is located entirely within the ALR. The property is located between Doumont Road and Brannen Lake and is currently vacant (see Attachments 1 and 2 for Subject Property Map and 2016 Aerial Photo).

The proposal is to construct two dwellings on the property and register each dwelling as a strata lot. Under Section 241 of the *Strata Property Act*, if a strata plan includes buildings that were not previously occupied, the plan may be registered with the Land Title and Survey Authority provided a BC land surveyor certifies that the buildings have not been previously occupied. The applicant's proposed site plan is a sketch which shows the two conceptual building strata lots. It is noted that given the presence of two registered statutory right-of-ways that do not allow the construction of a dwelling, the property could not be subdivided as outlined in this sketch and a strata lot configuration would have to be formalized subsequent to review and approval by the ALC. (see Attachment 3 for Proposed Site Plan).

A copy of the applicant's submission package is included as Attachment 11. Personal information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.

Agricultural Advisory Committee members were provided an opportunity to attend the site on February 6, 2019.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS) (see Attachment 8). The RGS discourages the subdivision of agricultural lands and encourages the ALC to retain lands within the ALR for agricultural purposes (see Attachments 9 and 10).

A copy of the applicant's submission package is included in Attachment 11.

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Rural' pursuant to the "Regional District of Nanaimo East Wellington-Pleasant Valley Official Community Plan Bylaw No. 1055, 1998" (see Attachment 6 and 7). The Rural designation identifies that the creation of parcels having an area less than two hectares by way of subdivision pursuant to the *Strata Property Act* shall not be supported. The Official Community Plan also encourages that all subdivision and non-farm uses within the ALR be compatible with adjacent farm uses and maintain large land holdings to maintain the feasibility for farm use.

The parcel is also designated within both the Hazard Lands and Freshwater and Fish Habitat Development Permit Areas. Both development permit areas would apply to the portion of the property adjacent to Brannan Lake, unless otherwise exempt.

Amendments to "Regional District of Nanaimo East Wellington-Pleasant Valley Official Community Plan Bylaw No. 1055, 1998" are not required.

ZONING

The parcel is currently zoned Agriculture 1 (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 Zone permits farm use, residential use, as well accessory residential and farm uses. The zoning also allows two dwelling units on parcels greater than 2.0 hectares in area. The size of the property is 3.2 hectares as registered with the Land Title and Survey Authority in 1920. The applicant proposes to construct two dwellings units on the property and register each dwelling unit as a strata lot with the Land Title and Survey Authority, as shown on the Proposed Site Plan (see Attachment 3).

Amendments to Bylaw 500 are not required.

BOARD POLICY AND AGRICULTURAL ADVISORY COMMITTEE PROCEDURE

Regional District of Nanaimo "Board Policy B1.8: Review of ALR Applications" (Board Policy B1.8) provides an opportunity for the AAC to review and provide comments on ALR applications

for exclusion, subdivision and non-farm use, on lands within the ALR. Board Policy B1.8 also includes a standing Board resolution for subdivision and non-farm use of lands within the ALR which reads as follows:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to 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.

Policy B1.8 also states that all ALR non-farm use applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis, as directed by the Board. In addition to members' local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is through Committee adoption of a motion. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee's adoption of its motion. Only motions approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the staff report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Board Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director's comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the applicable subject property's Electoral Area Director, for comment.

With respect to this application, Electoral Area C Director Maureen Young has no comment.



Stephen Boogaards
sboogaards@rdn.bc.ca
February 12, 2019

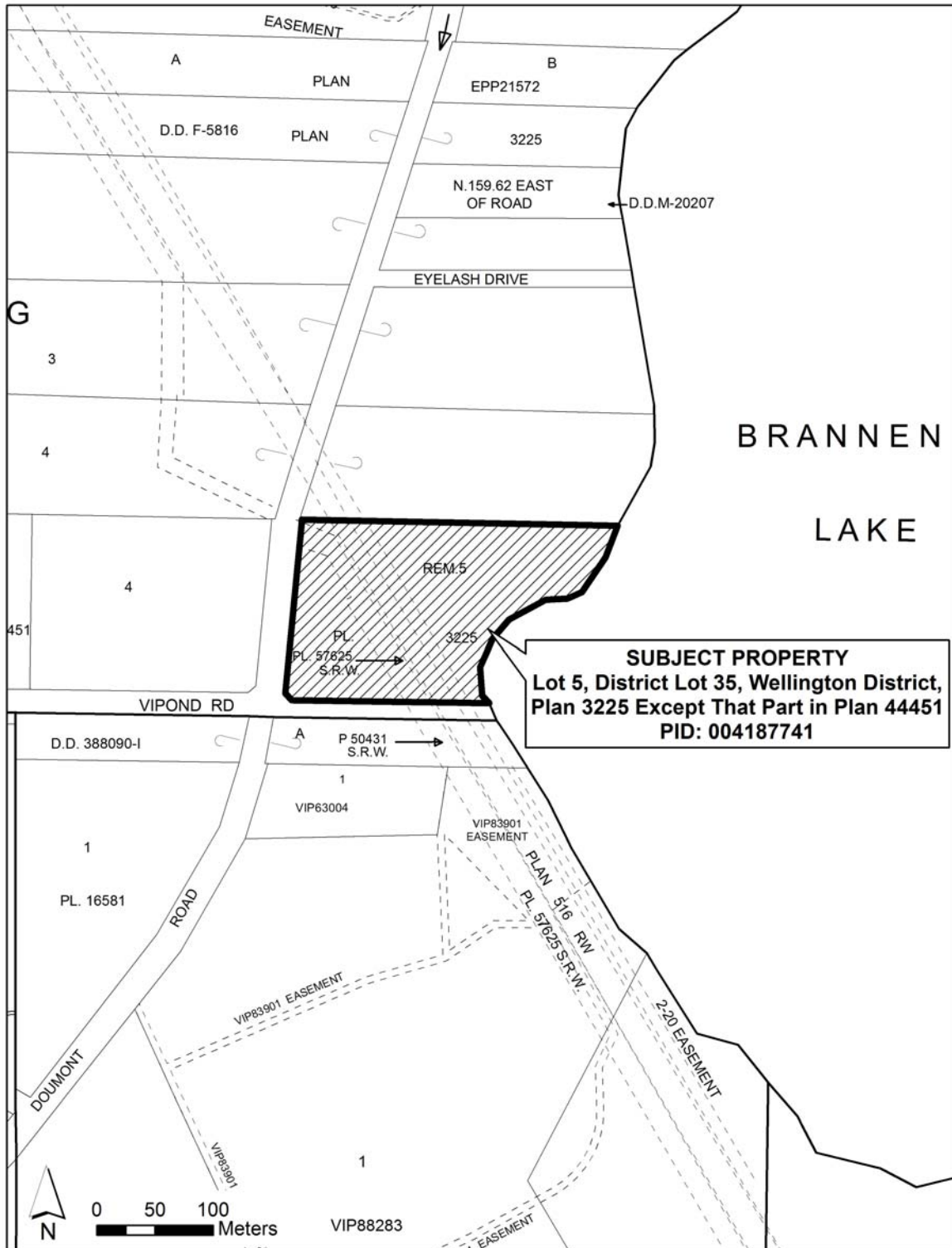
Reviewed by:

- P. Thompson, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

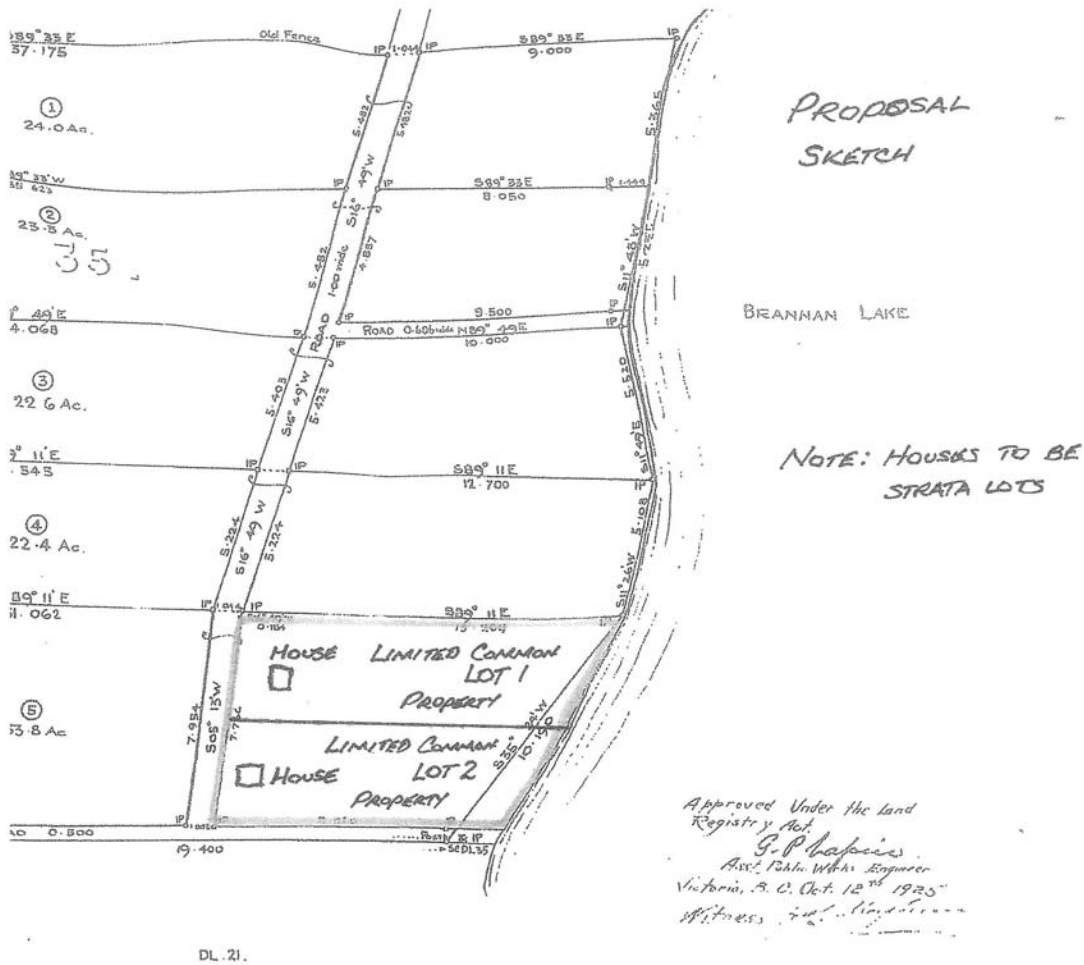
1. Subject Property Map
2. 2016 Aerial Photo
3. Proposed Site Plan
4. Existing Zoning
5. Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size
6. Official Community Plan Land Use Designation
7. Official Community Plan Agricultural Policies
8. Regional Growth Strategy - Land Use Designation
9. Regional Growth Strategy - Goal 7 - Enhance Economic Resiliency – Agriculture
10. Regional Growth Strategy - Goal 8 – Food Security
11. Applicant's Submission

Attachment 1
Subject Property Map





Attachment 3 Proposed Site Plan



I, ALFRED G. KING JR. of VANANCO, British Columbia Land Surveyor, make oath and say that I was present at, and did personally superintend the survey represented by this plan, and that the survey and plan are correct.
The said survey was completed on the 13th day of November 1920

Alfred G. King Jr.
B.C.L.S.

Inspected and attested September 14th 1921.

Alfred G. King
B.C.L.S.

Sworn before me this 22 day of November 1920.

Alfred G. King Jr.
Notary Public.

Attachment 4 Existing Zoning (Page 1 of 4)

Part 3 – Land Use Regulations

Section 3.4.1

AGRICULTURE 1

AG1⁴²⁴³

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

- a) Farm Use – on lands located in the Agricultural Land Reserve
- b) Agriculture – on lands not located in the Agricultural Land Reserve
- c) Residential Use

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products
- e) Gathering for an Event⁴⁴

3.4.1.2 Maximum Number and Size of Buildings and Structures

- 1) Accessory residential buildings combined floor area of 400 m²
- 2) Dwelling units/parcel
 - a) on a parcel having an area of 2.0 ha or less 1
 - For Electoral Areas 'A', 'C', 'E', and 'H'**
 - b) on a parcel having an area greater than 2.0 ha 2
 - For Electoral Area 'G'**
 - c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' 2

⁴² Bylaw No. 500.383, Adopted June 25, 2013

⁴³ Bylaw No. 500.402, adopted June 28, 2016

⁴⁴ Bylaw No. 500.413, adopted May 22, 2018

Attachment 4 Existing Zoning (Page 2 of 4)

Part 3 – Land Use Regulations

AGRICULTURE 1 continued

- d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. 2
 - 3) Height (non-farm and accessory farm buildings and structures) 9.0 m
 - 4) Parcel coverage
 - a) Non-farm buildings and structures 10%
 - b) Farm or agriculture buildings and structures 25%
 - c) Greenhouses 75%
 - d) In no case shall the combined parcel coverage exceed 75%.
 - e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.
-

3.4.1.3 Minimum Setback Requirements

- 1) All non-farm buildings and structures – All lot lines 8.0 m
except where:
 - a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply.
 - 2) All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10.
-

3.4.1.4 Other Regulations

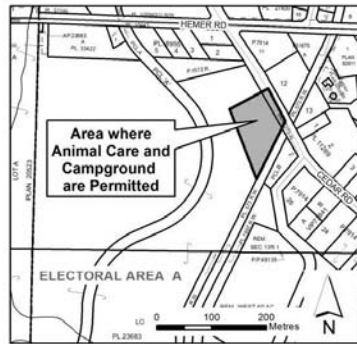
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

Attachment 4 Existing Zoning (Page 3 of 4)

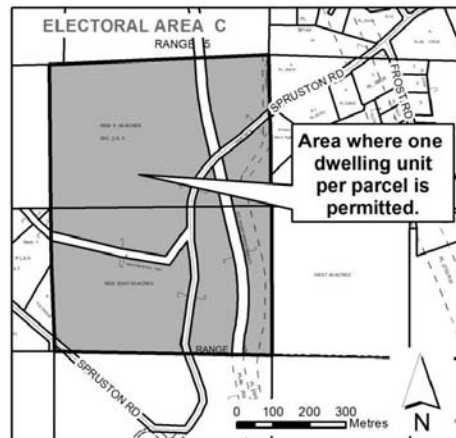
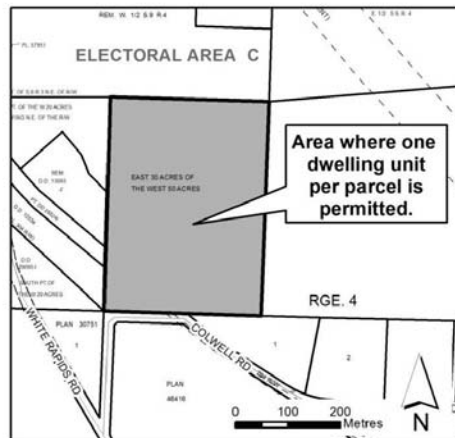
Part 3 – Land Use Regulations

AGRICULTURE 1 continued

- 5) Animal Care and Campground shall be permitted in the shaded area outlined in bold in the map below.



- 6) Notwithstanding Section 3.4.1.2 Dwelling units/parcel the maximum number of dwelling units permitted in the shaded areas outlined in bold in the maps below shall be limited to one dwelling unit per parcel.

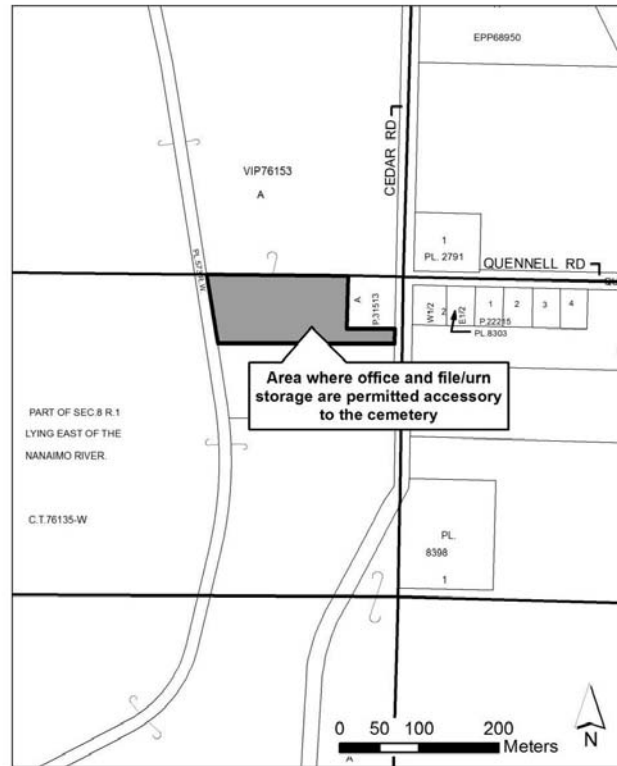


Attachment 4 Existing Zoning (Page 4 of 4)

Part 3 – Land Use Regulations

AGRICULTURE 1 continued

- 7) Office and file/urn storage accessory to the cemetery shall be permitted in accordance with ALC non-farm use approval in the shaded area outlined in bold in the map below.⁴⁵



⁴⁵ Bylaw 500.412, adopted March 27, 2018

Attachment 5

Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below: ¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ⁴⁵	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998

² Bylaw No. 500.347, adopted September 22, 2009

³ Bylaw No. 500.27, adopted August 9, 1988

⁴ Bylaw No. 500.66, adopted December 12, 1989

⁵ Bylaw No. 500.324, adopted February 28, 2006

⁶ Bylaw No. 500.264, adopted October 10, 2000

⁷ Bylaw No. 500.264, adopted October 10, 2000

⁸ Bylaw No. 500.27, adopted August 9, 1988

⁹ Bylaw No. 500.394, adopted August 25, 2015

¹⁰ Bylaw No. 500.253, adopted January 11, 2000

¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 6
Official Community Plan Land Use Designation
(Page 1 of 3)

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Objectives: Resource

- *Support and maintain* the long-term viability of the natural resource land base and *protect* it from activities and land uses, which may diminish its resource value or potential.
- *Encourage* the comprehensive management of the resource land base.
- *Minimize* the impact of resource operations and activities on the natural environment and neighbouring land uses and development.

Policies: Resource¹

Action:

1. Land within the *Resource* designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.²
2. On land in the *Resource* designation, residential development shall be limited to one (1) dwelling unit per four (4) hectares, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Resource* designation shall generally be associated with those activities involving natural resource harvesting or extraction, primary processing and passive recreational uses, including campgrounds. This shall not preclude the Regional District Board from amending the Land Use and Subdivision Bylaw to either include or exclude other uses, which are deemed to be compatible or incompatible with the *Resource* designation.

Development Activated:

5. Where land designated as *Resource* is proposed to be subdivided, the Regional District shall encourage the Approving Officer to give due consideration to the protection of any adjacent forestry and/or agricultural lands, including active and *bona fide* farming operations not located within the Agricultural Land Reserve, by encouraging buffers and subdivision road layout designs which minimize intrusive points of access.

4.2 RURAL

The Rural designation applies to lands with recognized agricultural or forestry value and which are designated as either Agricultural Land Reserve or Forest Land Reserve. These

¹ Bylaw No. 1055.05, adopted December 4, 2018

² Bylaw No. 1055.02 adopted January 24, 2006

Attachment 6
Official Community Plan Land Use Designation
(Page 2 of 3)

Regional District of Nanaimo

EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

lands, which account for approximately 29% of the Plan Area's land base (950 hectares), significantly contributes to its predominant rural character by supporting traditional rural activities, large parcels and green spaces. FLR lands designated as Rural are generally in close proximity to lands used primarily for residential purposes and presently do not support intensive processing operations. The Rural designation is intended to protect agricultural and forestry lands and associated operations by relieving development pressures.

Objectives: Rural

- *Support and encourage* agricultural activities on productive agricultural lands.
- *Support* silviculture activities on productive forestry lands.
- *Preserve and enhance* the Plan Area's rural character and environmental quality.

Policies: Rural

Action:

1. Land within the *Rural* designation, as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as **Crown Lands** (forest) or where for taxation purposes are designated as **Managed Forest Class** shall have a minimum parcel size of 50.0 hectares.³
2. On land in the *Rural* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. On land in the *Rural* designation, the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the exception of subdivision pursuant to the *Bareland Strata Regulations* (British Columbia), shall not be supported.
4. Permitted uses within the *Rural* designation shall generally be limited to traditional rural activities, including those associated with normal agriculture and silviculture practices. Intensive forestry processing uses shall not be supported on lands designated as *Rural* in this Plan.
5. Where land is removed from the Agricultural Land Reserve or the Forest Land Reserve the *Rural* designation shall remain unless redesignated by amendment to this Plan and permitted uses shall be generally be limited to traditional rural activities.

³ Bylaw No. 1055.02 adopted January 24, 2006

Attachment 6
Official Community Plan Land Use Designation
(Page 3 of 3)

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Development Activated:

6. Where land is within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 - Agriculture of this Plan.

4.3 RURAL RESIDENTIAL

The Rural Residential designation reflects lands characterized by large lots and low population density and which are not within the Agricultural Land Reserve or Forest Land Reserve. Traditional rural activities such as agricultural operations, hobby farms and large-lot residential uses predominate. The Rural Residential designation assists in maintaining the rural character of the community and providing large pockets of green space within the community. Approximately 1000 hectares of land are within the Rural Residential designation, representing approximately 30% of the total Plan Area.

Objectives: Rural Residential

- *Preserve and enhance* the Plan Area's rural character and environmental quality.
- *Support* traditional rural land uses and activities within the Plan Area.
- *Provide* for some flexibility in the form and character of rural subdivision development.

Policies: Rural Residential

Action:

1. Land within a *Rural Residential* designation as shown on Map No. 3, attached to and forming part of this Plan shall have a minimum parcel size of 2.0 hectares.
2. On land in the *Rural Residential* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Rural Residential* designation shall generally be limited to traditional rural activities and passive recreation.
4. Notwithstanding Regional District regulations and/or policies related to the maximum number of dwellings per parcel, this Plan recommends that the Land

Attachment 7
Official Community Plan Agriculture Policies
(Page 1 of 2)

Regional District of Nanaimo

EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

SECTION 3 - NATURAL RESOURCE MANAGEMENT

The East Wellington - Pleasant Valley Plan Area contains a variety of lands with natural resource value, including those for agriculture, aggregates and forestry. These lands have historically played a significant role in shaping the character of the Plan Area as well as providing important economic benefits. Their long-term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible uses, necessitating special attention and protective measures. It cannot be overlooked that operations and activities related to these resources can have equally significant consequences on the natural environment and existing residents and development. It is important to achieve a balance.

The policies in this section define the community's intentions and priorities with respect to the long-term management and use of lands with natural resource value. Where stated policies relate to matters beyond the jurisdiction of the Regional District, they are only intended to compliment, guide and assist senior governments in their decision-making processes.

General Objectives:

- *Protect and maintain* the agricultural, forestry and aggregate land base and associated activities.
- *Minimize* the impact of agriculture, forestry and aggregate-related activities on both the natural environment and other land uses and development.
- *Support* sustainable and best management practices for the resource base.
- *Advocate* comprehensive resource management decision-making where resource lands are in conflict with other lands.

3.1 AGRICULTURE

Agriculture plays an integral role in defining the rural character of the Plan Area. Agricultural lands establish limitations on the extent of development, provide buffer areas between established residential areas and represent both a primary and secondary source of income for some Plan Area residents. The Regional District supports and encourages land management practices, which preserve agricultural land and the sustainable production of food.

Approximately 24% of the total area, equating to approximately 790 hectares of land, has been designated Agricultural Land Reserve (ALR) under the provincial *Agricultural Land Commission Act*. The Agricultural Land Commission is one of the main agencies responsible for managing the use and subdivision of ALR lands and, along with the Ministry of Agriculture, is also an important agency for promoting agricultural activities. The ALR's integrity is often threatened at the interface with urbanized development.

Attachment 7
Official Community Plan Agriculture Policies
(Page 2 of 2)

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Objectives: Agriculture

- *Protect and maintain* the agricultural land resources of the Plan Area for present and future food production.
- *Recognize and protect* the needs and activities of agricultural operations when considering non-agricultural uses on adjacent lands.
- *Encourage* sustainable and environmentally sound farming practices.
- *Ensure* that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies: Agriculture

Action:

1. Lands within the Agricultural Land Reserve, as well as all other lands considered to be agricultural in character or supportive of agriculture, shall generally be designated as *Rural* in this Plan.
2. Broad-based agricultural activities, including agricultural, livestock and horticultural uses and the processing, production, distribution and sale of locally grown products, shall be encouraged and supported on agricultural lands both within and outside the Agricultural Land Reserve. It is recognized that the regulation of intensive agricultural operations located on land outside the Agricultural Land Reserve, which may that may be detrimental to the natural environment and surrounding lands, may be necessary.
3. The retention of large land holdings within the Agricultural Land Reserve shall be encouraged to maintain the option and feasibility of farm use.
4. The Regional District shall encourage adjacent land uses to be compatible with existing farm uses and to minimize impacts on agricultural lands.
5. The Regional District shall support the Agricultural Land Commission's mandate of preserving and encouraging the use of agricultural land for agriculture. The Regional District may support the use of agricultural land for non-farm purposes provided that the Agricultural Land Commission first grants permission for the proposed use and the use is compatible with surrounding land use patterns and development.

Attachment 8

Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.test

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 9

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 10
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

Attachment 10
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security.

The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 10
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 11
Applicant's Submission



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58367
Application Status: Under LG Review
Applicant: stephen wilson
Agent: Glencar Consultants Inc
Local Government: Nanaimo Regional District
Local Government Date of Receipt: 01/02/2019
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Subdivision
Proposal: See attached report

Agent Information

Agent: Glencar Consultants Inc
Mailing Address:



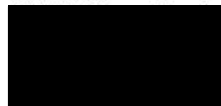
Primary Phone: [Redacted]
Email: [Redacted]

Parcel Information

Parcel(s) Under Application

- Ownership Type:** Fee Simple
Parcel Identifier: 004-187-741
Legal Description: L 5 DL 35 WELLINGTON DISTRICT PL 3225 EXC PT IN PL 44451
Parcel Area: 3.2 ha
Civic Address: Dumont Road, Nanaimo BC
Date of Purchase: 02/15/2010
Farm Classification: No
Owners

- Name:** stephen wilson
Address:



Phone: [Redacted]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

See attached report

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

No improvements

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Vacant parcel

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: see attached report

East

Land Use Type: Agricultural/Farm

Specify Activity: see attached report

South

Land Use Type: Agricultural/Farm

Specify Activity: see attached report

West

Land Use Type: Agricultural/Farm

Specify Activity: see attached report

Proposal

1. Enter the total number of lots proposed for your property.

1.6 ha

1.6 ha

2. What is the purpose of the proposal?

See attached report

3. Why do you believe this parcel is suitable for subdivision?

See attached report

4. Does the proposal support agriculture in the short or long term? Please explain.

Retains status quo

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Glencar Consultants Inc
- Other correspondence or file information - App Report
- Proposal Sketch - 58367
- Other correspondence or file information - App Report
- Other correspondence or file information - App Report
- Certificate of Title - 004-187-741

ALC Attachments

None.

Decisions

None.

TITLE SEARCH PRINT

File Reference:

2017-12-12, 11:40:30

Requestor: Terry West

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA1428721
From Title Number	S57479
Application Received	2010-01-20
Application Entered	2010-02-15
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	STEPHEN JONATHON WILSON, FINANCIAL ADVISOR 
Taxation Authority	Nanaimo/Cowichan Assessment Area
Description of Land	
Parcel Identifier:	004-187-741
Legal Description:	LOT 5, DISTRICT LOT 35, WELLINGTON DISTRICT, PLAN 3225 EXCEPT THAT PART IN PLAN 44451
Legal Notations	
	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26TH, 1974
Charges, Liens and Interests	
Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A 54530G SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E AND N RAILWAY COMPANY FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2017-12-12, 11:40:30

File Reference:

Requestor: Terry West

Nature:	PRIORITY AGREEMENT
Registration Number:	ED25024
Registration Date and Time:	1900-03-02 08:59
Remarks:	GRANTING EC115673 PRIORITY OVER S57480, SEE EC22389 AND ED50942
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	143342G
Registration Date and Time:	1950-01-16 14:50
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	INTER ALIA
Nature:	COVENANT
Registration Number:	R103808
Registration Date and Time:	1986-11-26 11:22
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	THE REGIONAL DISTRICT OF NANAIMO INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT INCLUDES INDEMNITY UNDER SECTION 215(2)(A) LAND TITLE ACT, WITH PRIORITY OVER R39979
Nature:	COVENANT
Registration Number:	R103809
Registration Date and Time:	1986-11-26 11:22
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT WITH PRIORITY OVER R39979
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EC115673
Registration Date and Time:	1989-11-02 13:44
Registered Owner:	TERASEN GAS (VANCOUVER ISLAND) INC.
Transfer Number:	EV64783
Remarks:	CANCELLED AS TO ALL EXCEPT PART IN PLAN VIP57625

Duplicate Indefeasible Title

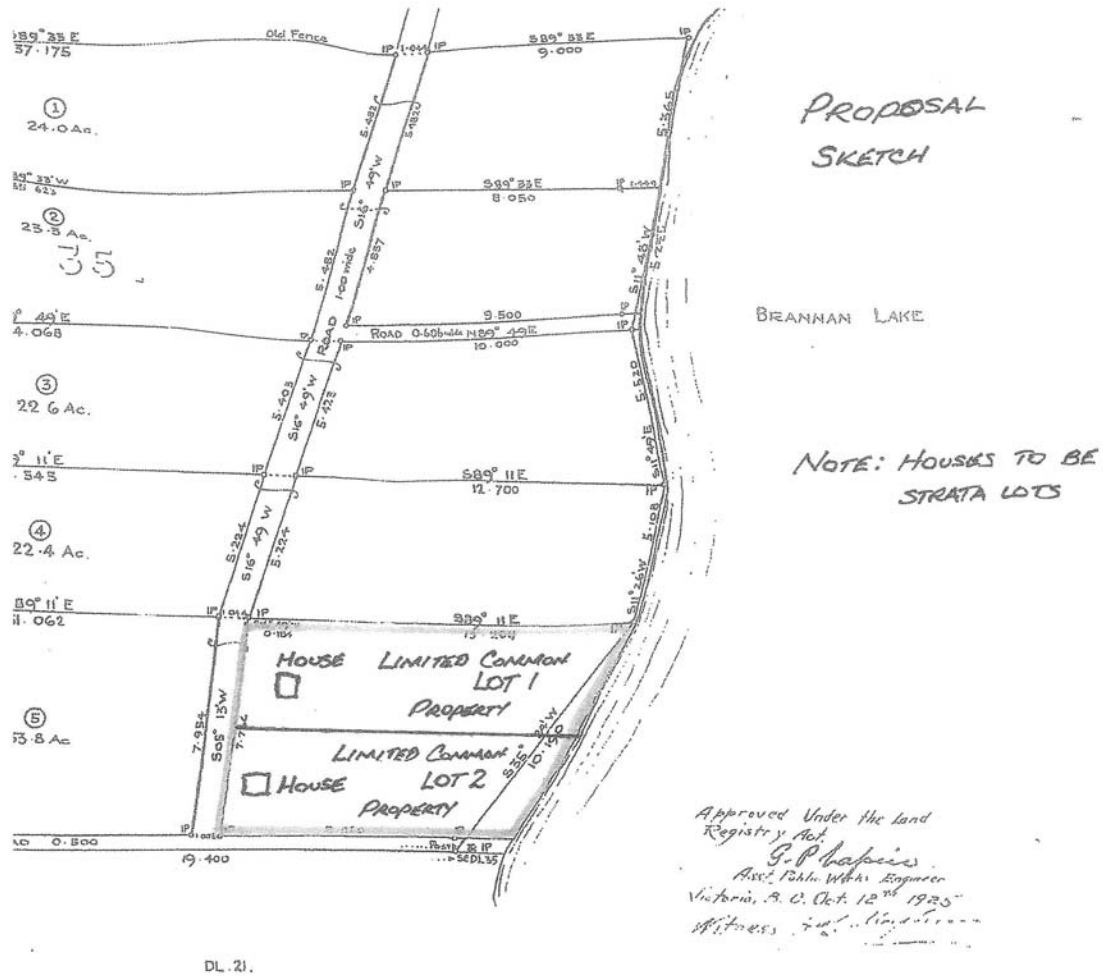
NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE



I, ALFRED G. KING JR. of NANAIMO, British Columbia Land Surveyor, make oath and say that I was present at, and did personally supervise the survey represented by this plan, and that the survey and plan are correct.
The said survey was completed on the 13th day of November 1920

Alfred G. King Jr.
B.C.L.S.

Inspected and amended September 14th, 1921.

Alfred G. King
B.C.L.S.

Sworn before me this 22 day of November 1920.

Thomas Phadys...
Notary Public.

Registered Owner/Authorized Signatory

TAB NO. 13



LAND CAPABILITY ASSESSMENT

**6728 Doumont Road,
Nanaimo, BC**

FOR:

Mr. Stephen Wilson

C.

BY:

**Gordon Butt, M.Sc., P.Ag.
MADRONE ENVIRONMENTAL SERVICES LTD.**

February 12, 2018

MADRONE ENVIRONMENTAL SERVICES LTD.
302-2790 GLADWIN ROAD • ABBOTSFORD • BC • V2T 4S7
TEL 604.504.1972 • FAX 604.504.1912 • WWW.MADRONE.CA

DOSSIER: 17.0329

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM
LAND CAPABILITY ASSESSMENT - 5728 DOUMONT RD. NANAIMO, BC
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LIST OF APPENDICES

APPENDIX 1	HISTORIC IMAGERY
APPENDIX 2	PHOTOS
APPENDIX 3	SOIL PROFILES
APPENDIX 4	LAND CAPABILITY CLASSIFICATION



LAND CAPABILITY ASSESSMENT

6728 Doumont Road, Nanaimo, BC

1 Introduction

Madrone Environmental Services Ltd. (Madrone) was retained by Mr. Stephen Wilson to conduct a soil survey and land capability assessment of his property at 6728 Doumont Road in Nanaimo, British Columbia.

I understand that Mr. Wilson is hoping to remove an area of approximately 1.53 ha (3.78 acre) area from his property that covers 3.8 ha (9.5 acres)¹. The property – lying between Doumont Road and Brannen Lake – is registered with BC Land Titles under PID 004-187-741. The legal description is "Lot 5 Plan VIP3225, District Lot 35 Wellington Land District 58 Except Plan 44451".

There are no buildings on the lot, which I will call the 'subject property'. The subject property is zoned AL (agricultural land) within the Regional District of Nanaimo and lies within the Agricultural Land Reserve (ALR).

The subject property is transected by two BC Hydro rights of way (Plans 516 and 763). Associated with the BC Hydro transmission line, there is a steel tower that occupies an area of about 15 m by 15 m (and may constrain farm machinery use in the northeastern part of the study area).

¹ Some changes have occurred since the property was first registered in 1925, due to historic changes to the level of Brannen Lake.

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In addition there is a buried natural gas pipeline, running from northwest to southeast through the parcel. Any excavation in the vicinity of this pipeline must be vetted with Fortis beforehand. The net area without any constraints is approximately 1.0 ha.



FIGURE 1. STUDY AREA. THIS 3.8 HA AREA HAS BEEN SUBDIVIDED FROM THE WESTERN PART OF THE PROPERTY. THE STUDY AREA OR 'SUBJECT PROPERTY' IS THE CLEARED AREA IN THE WESTERN (LEFT) PART OF THE IMAGE.



1.1 Land Capability for Agriculture

Land Capability for Agriculture (LCA) ratings are assigned, dependent upon soil and site conditions, according to specific criteria presented in Land Capability Classification for Agriculture in British Columbia (Kenk, 1983). The ratings describe the general suitability of the land for agriculture as seven classes for mineral soil and seven classes for organic soil. Agricultural capability classes are modified into subclasses when limitations to agriculture exist. There are twelve subclasses for mineral soils and nine subclasses for organic soils.

In describing LCA classes, the number refers to the class (1 through 7) and the capital letter refers to the subclass, or nature of the limitation. For example, a Class 3W rating has an agricultural capability of Class 3 (moderate limitations to crop production) related to excess water (W) during the primary growing period that could relay to minor crop damage. Further details are provided in Appendix 4.

2 Description

2.1 Land Use

The property is located along the west edge of the City of Nanaimo and western shore of Brannan Lake. The property dimensions measure 180 m to 280 m from east to west and 160 m from north to south. The western edge of the property is bounded by Doumont Road. The properties to the north and south of the subject property are multiple residence acreage developments used for small-scale (hobby farm) livestock pasturing and small-scale fruit and vegetable production. To the immediate south there is a dedicated public road and a waterfront recreation area for a public campground. Across Doumont Road to the west is a rural holding that was once part of the subject lot. It is not in the ALR.

I understand from the owner that the subject property was only used as seasonal pasture for a small number of neighbourhood animals, mainly horses and some cows. There has never been a house or any farm buildings or structures on the property.

There has been negligible change to land use on the property and surrounding area over the past 14 years, as shown in Appendix 1 showing images from 2002, 2006, 2012 and 2016.

2.2 Review of Existing Maps and Information

2.2.1 Published Soil Mapping

Soils in the Nanaimo area were surveyed at a reconnaissance scale in the 1980's. In this area, soils were mapped as part of the "Soils of Southeast Vancouver Island Duncan-Nanaimo Area at a scale of 1:20,000 (Jungen, et. al., 1989). Subsequently, LCA ratings were calculated and published as a series of maps. This section of the report summarizes the characteristics of the surveyed soils and the LCA ratings for the property. The source maps are based on a reconnaissance level soil survey and air photo interpretation and represent a broad interpretation of soils and agricultural capability².

The broad interpretation of agricultural capability recorded on the 1:20,000 maps does not take precedence over the site-specific assessment in this report.

Existing soil survey maps as per indicate that the property lies within a region containing numerous soil polygons. The soils within the property, from west to east are mapped as follows:

Qualicum: Orthic Dystric Brunisols formed on coarse textured (sand and gravel) deposits of fluvial origin.

Mill Bay: Duric Dystric Brunisols formed on fine marine veneer over gravelly moraine deposits.

Metchosin: Typic Humisol organic deposits greater than 100 cm thick overlying gravelly moraine deposits.

Chemainus: a mix of Brunisolic and Regosolic soils formed on medium textured fluvial deposits

The published LCA ratings for the property are Class 4AT for mineral soils and unrated for organic soils. The mineral soil LCA rating is assigned due to droughty or aridity (A) restrictions during the summer months, related to a combination of insufficient precipitation and low water holding capacity associated with coarse textured soils. Restrictions related to topography (T) are also present on the property, caused by slope gradients exceeding 10 percent.

² British Columbia Soil Information Finder Tool (online):
<http://bcgov03.maps.arcgis.com/apps/MapSeries/index.html?appid=4e627670073b4b318be3f901365a2052>. Accessed September 26, 2017

2.2.2 Surficial Geology Mapping

Halstead (1963) mapped the surficial geology of this area on a coarse scale, which may not be accurate at the local scale and was verified onsite. The maps showed the study area falling in an area mapped as Salish Sediments, which are post-glacial gravel and sand glaciomarine deltaic, shore or upland fluvial deposits.

The elevation in the study area is between 78 m (at the shoreline of the lake) and 85 m above sea level. This is within the elevational range of glaciomarine deposits on eastern Vancouver Island.

A review of well logs in the immediate area showed a range of sediment types, but all consistent with late glacial shoreline or shallow sea environments. Two of the well logs indicated bedrock (of different types!) encountered at 7 and 13 m.

3 Observations

3.1 Topography

In the study area, the topography is very slightly undulating over a gentle east to northeast facing slope. I recorded slope gradients mainly in the 5 to 10% range (corresponding to a Class 2T topographic limitation). Along the western boundary slopes increase to 15-20% (Class 4T). The eastern margin, consisting of a wetland bordering the lake, has a nearly level gradient.

3.2 Soils

I excavated seven pits. In addition I used a Dutch-auger to investigate the soil in the wetland to the east (even though this is outside the study area). The locations of these investigations are shown on Figure 4. Appendix 3 shows the detailed description of the soil profiles.

Soils on the 1.50 ha study area have developed in glaciomarine deposits laid down in or along the margins of the sea at a time when the sea level was up to 90 m higher than its present elevation. Soil textures are dominated by sand and are generally sandy loams or loamy sands. Most soils had high amounts of fine gravel (2-25mm in diameter), which reduce the water-and nutrient holding capacity.

Based on the excavated soil pits and additional auger points I have stratified the study area into three soil map units, as shown on Figure 3. They are summarized in Table 1.

4 Conclusions

Soils in the study area have significant limitations.

The most common and severe limitation in the study area is aridity. All soils in the study area are susceptible to significant soil moisture stress during the growing season. Relatively coarse sandy textures tend to have a low capacity to retain moisture through the dry growing season, but in the study area, these textures are compounded by relatively high volumetric contents of gravel which are typically in the range of 40 to 50%. This means that only 50 to 60% of the soil volume is available to retain moisture and nutrients for plant growth, in Map Units 1 and 2. Unit 3 has virtually no coarse fragments. Irrigation is critical to agriculture on these soils. My analysis shows that Soil Unit 1 has an unimproved Land Capability of Class 4A. Because of the predominance of sand in the soil profile, the best improved rating is 3A.

Map Unit 2 fares worst for aridity. It has a 4A rating, but the best improved rating is, according to the Land Capability Classification is 4A. This soil also has a topographic limitation at the Class 4T level; this cannot be improved.

Although soils in Map Unit 1 and 2 have high coarse fragment contents, the fragments are not deemed to present a significant impediment to cultivation. Most of the fragments are in the fine gravel size fraction (2-25 mm); under the Land Capability Classification only fragments greater than 25 mm are considered to be a hindrance to cultivation. In soil pits 2, 3 and 4, I estimated the coarse gravel content to be 15%, 15% and 25% respectively. These soils carry stoniness limitations at the class 3P, 3P and 4P level. Other soil pits showed no limitation for stoniness. The total coarse fragment content varies over the study area. Based on my sampling I estimate that about 30% of the area in Map Unit 1 have soils with a Class 4P limitation. The remainder is either Class 2P or 2P.

Topography is a Class 4T limitation in Map Unit 2. In addition, due to the high gravel content and sandy texture I consider it to have a fertility limitation at the Class 3F level. This can only be improved through adding organic matter or topsoil. The native soils do not have sufficient nutrient retention ("cation exchange capacity" in soil science terms) to retain nutrients from fertilizers. Beddis and Qualicum soils (Map Units 1 and 2) are also moderately acidic and may require liming to obtain a more favourable pH (depending on the crop).



Table 1. Summary of Soil Map Units (refer to Figure 4).

Map Unit	Parent Material	Soil Classification	Soil Series ³	Area of Unit (ha/%)	Texture (<2 mm)	Total coarse fragments %	Land Capability Unimproved	Land Capability Improved
1	Glaciomarine deltaic or shoreline deposits	Orthic Dystric Brunisol	Beddis	1.23/82%	Sandy loam to loamy sand	40-50% mostly fine gravel	4A	3A
2	Glaciofluvial outwash	Orthic Dystric Brunisol	Qualicum	0.17/11%	medium Sand	50%	4AT	4AT
3	Glaciomarine or lacustrine	Orthic Humic Gleysol	Parksville	0.10/6.7%	fine sandy loam (to sandy clay loam)	0%	3A	3W

³ Jungen et al. 1989.

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Of the total 1.50 ha, 1.4 ha or 93% have soils rated as Class 4 under the Land Capability Classification. The most common limitation is aridity or drought. At the time of my assessments the soils were bone dry and subsoils were extremely difficult to excavate, indicating an unfavourable subsoil (Limitation "D").

Unit 1 soils have an unimproved rating of Class 4A, indicating significant limitations due to moisture availability in the latter part of the growing season. This limitation can be improved only to Class 3A through irrigation. Approximately 30% of the area have stoniness limitations at the Class 4P level, so the addition of irrigation would have to be accompanied by stone-removal to achieve in the improvement to 3A. For good growth of deep-rooted crops, deep tilling, subsoiling or ripping will also be required. Unit 2 have a rating of 4AT. This is not practically improvable.

At the time of my assessment – after one of the driest summers on record – soils were dry and the sparse grass cover was stressed. Existing forage condition is poor. Substantial inputs are necessary to improve these soils to a productive condition, above all copious irrigation to overcome the limited water retention of the soils. If that is done, the soils would support a wide range of climatically adapted crops. However, these soils cannot be considered to represent prime agricultural land.

Yours Truly,

**This is a digitally signed duplicate of the official manually signed and sealed document.*

Gordon Butt, P.Ag.

MADRONE ENVIRONMENTAL SERVICES LTD.

DOSSIER: 17.0329

MADRONE ENVIRONMENTAL SERVICES LTD.

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM

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6 Limitations

The evaluations contained in this report are based on professional judgment, calculations, and experience. They are inherently imprecise. Soil, agricultural, hydrological, and drainage conditions other than those indicated above may exist on the site. If such conditions are observed, Madrone should be contacted so that this report may be reviewed and amended accordingly.

The recommendations contained in this report pertain only to the site conditions observed by Madrone at the time of the inspection. This report was prepared considering circumstances applying specifically to the client. It is intended only for internal use by the client for the purposes for which it was commissioned and for use by government agencies regulating the specific activities to which it pertains. It is not reasonable for other parties to rely on the observations or conclusions contained herein.

Madrone completed the field survey and prepared the report in a manner consistent with current provincial standards and on par or better than the level of care normally exercised by Professional Agrologists currently practicing in the area under similar conditions and budgetary constraints. Madrone offers no other warranties, either express or implied.



APPENDIX 1

HISTORIC IMAGERY

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM

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LAND CAPABILITY ASSESSMENT - 6728 DOUMONT RD, NANAIMO, BC

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Image 1: 2002 Land Use.



Image 2: 2006 Land Use.

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LAND CAPABILITY ASSESSMENT - 6728 DOUMONT RD, NANAIMO, BC

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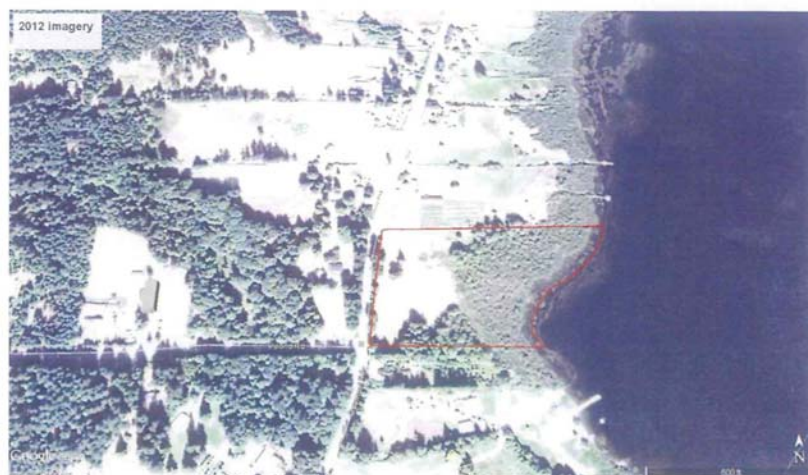


Image 3: 2012 Land Use.



Image 4: 2015 Land Use.

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LAND CAPABILITY ASSESSMENT - 5728 DOUMONT RD, NANAIMO, BC

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Photo 1: View looking north from a point near the wetland. The tower may be a constraint to the operation of farm machinery.

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LAND CAPABILITY ASSESSMENT - 6726 DOUMONT RD, NANAIMO, BC

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Photo 2; View south from Pit 2. Note the very dry condition of the of the grass cover. It has been heavily grazed despite poor condition of the forage.this shows the boundary between Soil Unit 1 (left) and Soil Unit 2 (right).

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM

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LAND CAPABILITY ASSESSMENT - 6728 DOUMONT RD, NANAIMO, BC

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Photo 4; Looking southeast from the northwest portion of the study area (Map Unit 1). Again, note very dry condition of soils and vegetative cover.



APPENDIX 3

Soil Profiles

Pit 1.

*very difficult to dig beyond this depth

Horizon	Depth (cm)	Texture	Description
Ah	0-5 (3-8)	loamy fine sand	Medium brown, plentiful fine roots (grass), dry, firm (to friable),
Bm*	5-50+	loamy fine sand	Grey-brown, dry, firm; 35% fine gravel (2-25mm); 5% coarse gravel (25-75mm), 0% cobbles. [total coarse fragments: 40%]
Vegetation	sparse agronomic grass, weeds (<i>Agoseris</i> , <i>Cirsium</i> , <i>Tanacetum</i> , <i>Lepidium</i> , <i>Chicorium</i>); grass has been grazed in early summer.		
Topography/drainage	Gentle slope to east; +4% (but increasing towards west (Dumont Road), -6%. Well drained		
Soil classification /soil series	Orthic Dystric Brunisol; Beddis Soil Series		

Pit 2.

Horizon	Depth (cm)	Texture	Description
Ah	0-6 (5-10)	Loamy medium sand	Medium-dark brown, plentiful fine roots (grass), very dry, friable)
Bm	6-30	medium Sand	Grey, dry, loose, few fine roots; 30% fine gravel (2-25mm); 20% coarse gravel (25-75mm), 0% cobbles. [total coarse fragments: 50%]
BC	30-65+	medium Sand	Grey, dry, loose; no roots; 30% fine gravel; 15% coarse gravel; [total coarse fragments: 45%]
Vegetation	as above; sparse and short grass cover with scattered weeds. Evidence of grazing.		
Topography/drainage	+17% from here to Dumont Road; -5-7%; well to rapidly drained.		

Soil classification /soil series	Orthic Dystric Brunisol; Beddis Soil Series
----------------------------------	---

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM

PAGE 13-2

LAND CAPABILITY ASSESSMENT - 6728 DOUMONT RD. NANAIMO, BC

FEBRUARY 13, 2018

Pit 3.

Horizon	Depth (cm)	Texture	Description
Ah	0-5 (0-8)	fine sandy loam	brown, dry, plentiful fine roots, firm; discontinuous.
Bm	5-30	fine sandy loam (to loamy fine sand)	Light brown, dry, firm. Few roots; 35% fine gravel (2-25 mm) 15% coarse gravel; no cobbles. Plentiful fine concretions; [total coarse fragments: 50%]
Vegetation	as above; sparse and short grass cover with scattered weeds. Evidence of grazing.		
Topography/drainage	+11%; -10-12%, gently undulating; well drained		

Pit 4.

Horizon	Depth (cm)	Texture	Description
Ah	0-4	Sandy loam	brown, dry few fine roots, friable), plentiful fine and very fine (grass) roots.
Bm	4-52+	Sandy loam	Grey-brown, dry, firm. Few roots; 40% fine gravel (2-25 mm) 25% coarse gravel (25-75mm) 0% cobbles (75-250mm). [total coarse fragments: 65%] ; Plentiful fine concretions.
Vegetation	as above; sparse and short grass cover with scattered weeds. Evidence of grazing.		
Topography/drainage	+8%; -8%, gently undulating; moderately well drained.		

Pit 5.

Horizon	Depth (cm)	Texture	Description
Ah	0-15	fine sandy loam	medium to dark brown, moist, friable to firm; abundant fine roots
Bg	15-60+	fine sandy loam (to sandy clay loam)	grey, moist, firm. Very few roots; 0% fine gravel (2-25 mm) no coarse gravel or cobbles. [total coarse fragments: 0%] ; plentiful faint mottles.
Vegetation	thick grass (reed canarygrass, <i>Phalaris arundinacea</i>)		
Topography/drainage	Slight depressing extends from wetland upslope to the BC Hydro power line tower.		

MR. STEPHEN WILSON - SHEEPY HOLLOW FARM

PAGE A3-3

LAND CAPABILITY ASSESSMENT - 6705 DOUMONT RD. NANAIMO, BC

FEBRUARY 13, 2018

Pit 6.

Horizon	Depth (cm)	Texture	Description
Ah	0-4	fine sandy loam	medium to dark brown, dry, friable to firm; abundant fine roots; discontinuous
Bm	4-47+	fine sandy loam	grey-brown, dry, firm. Very few roots; 15% fine gravel (2-25 mm) 3% coarse gravel or cobbles. [total coarse fragments: 15-20%] ; plentiful concretions
Vegetation	agronomic grass (grazed) scattered rush (Juncus sp.)		
Topography/drainage	+7% to northwest; -8%; moderately well drained.		

Pit 7.

Horizon	Depth (cm)	Texture	Description
Ah	0-7	fine sandy loam	medium to dark brown, dry, firm; abundant fine roots; <10% fine gravel.
Bm1	7-20	loamy fine sand	medium-brown, dry, friable to firm. few roots; 35% fine gravel (2-25 mm) 2% coarse gravel; no cobbles. [total coarse fragments: 35-40%] ; plentiful concretions
Bm2 (or BC)	20-65+	loamy fine sand	light brown, dry, friable; 40% fine gravel; 0% coarse gravel: [total coarse fragments: 40%]
Vegetation	agronomic grass (Lolium, Elymus, Anthoxanthum) scattered rush (Juncus sp.) and weeds (eg: Agoseris)		
Topography/drainage	+5% to northwest; -7%; well drained.		



APPENDIX 4

Land Capability Classification

The *Land Capability Classification for Agriculture in BC*⁴ classification system determines the general suitability of the land for agricultural use.

The guidebook includes seven classes differentiated on the basis on inherent capability of soils and climate to support common agricultural crops. Land areas are grouped into classes based on similar, relative degrees of limitation for agricultural use.

The intensity of the limitation becomes progressively greater from Class 1 to Class 7, with agricultural capability decreasing from Class 1 to Class 7. Class 1 soils typically support the greatest range of crops and/or require the least amount of management to bring them into production. The lands have slight limitations that restrict its use for the production of common agricultural crops. Conversely, Class 7 soils support the narrowest range of crops (if any), and has no capability for soil bound agriculture or for arable or sustained natural grazing.

In general, the greater the number and/or severity of the limitation(s) to a certain land area, the lower the capability of the land to produce agricultural crops, and hence the higher the soil class. The soil limitations used to determine the class rating are shown with an alphabetic symbol (Table 1), which follows the land capability class; for example, a Class 4A soil is one that suffers moderate limitations due mainly to lack of sufficient soil moisture.

⁴ Kenk, E. and I. Cotic. April, 1983. *Land Capability Classification for Agriculture in British Columbia*. MOE Manual 1. Surveys and Resource Mapping Branch, Ministry of Environment and Soils Branch, Ministry of Agriculture and Food. Kelowna, B.C. 68 pp. ISSN 0821-0640.

Table 1. Description of Land Capability Limitations

Symbol	Land Capability Subclasses for Mineral Soils	General Description
A	Soil Moisture Deficiency	Doughtiness due to poor soil moisture retention
C	Adverse Climate	Thermal limitations due to growing season frost or low temperatures
D	Adverse Soil Structure and/or Low Perviousness	Soils are difficult to cultivate due to firmness or poor trafficability
E	Erosion	Soils have been subject to past erosion
F	Fertility	Soils have high fertilizer requirement
I	Inundation	Soils are flooded part of the year
N	Salinity	Soils have high salt content
P	Stoniness	Soils have high stone content
R	Depth to Bedrock	Soils are shallow over bedrock
T	Topography	Land is sufficiently steep or complex to limit machine use
W	Excess Water	Soils are wet

The classification scheme also recognizes that management inputs may improve a soil, thus changing the capability class. Improved ratings of the land are based on the potential to upgrade the quality of the land, given the applicability of certain management practices. For example, stone removal may alleviate a stoniness limitation such that the land capability class is changed from a 4P to 3P. Where the limitation is aridity, irrigation water is assumed to be available. Other types of improvement techniques include; drainage, stone removal, fertilization, dyking, salinity alleviation, sub-soiling and the addition of soil amendments. As each site is unique, the extent to which these improvements can increase the land capability is determined from site specific evaluations, as well as past experience with improving comparable soils.

Other factors, including distance to market, available transportation facilities, location, farm size, type of ownership, cultural patterns, skill or resources of individual operators, and hazard of crop damage by storms, are not considered in this classification. Furthermore does not include capability of lands for trees, ornamental plants, recreation, wildlife or other resources.

TAB NO. 7

Part 3 – Land Use Regulations

Section 3.4.1

AGRICULTURE 1¹

AG1

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Residential Use	n/a	n/a	n/a
d) Silviculture	n/a	n/a	n/a

Permitted Accessory Uses

- a) Agri-tourism Accommodation
- b) Home Based Business

3.4.1.2 Maximum Number and Size of Buildings and Structures

Agri-tourism accommodation cabins	combined floor area of 500 m ²
Accessory buildings	combined floor area of 400 m ²
Dwelling units/parcel	
iii) on a parcel having an area of 2.0 ha or less	1
ii) on a parcel having an area of 2.0 ha or more	2
Height	9.0 m
Parcel coverage	25%

3.4.1.3 Minimum Setback Requirements

Buildings and structures for housing livestock or for storing manure	
All lot lines	30.0 m
All other buildings and structures	
All lot lines	8.0 m

3.4.1.4 Other Requirements

Agri-tourism accommodation shall be developed in accordance with Section 3.3.15 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

¹ Bylaw No.500.383, Adopted June 25, 2013

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

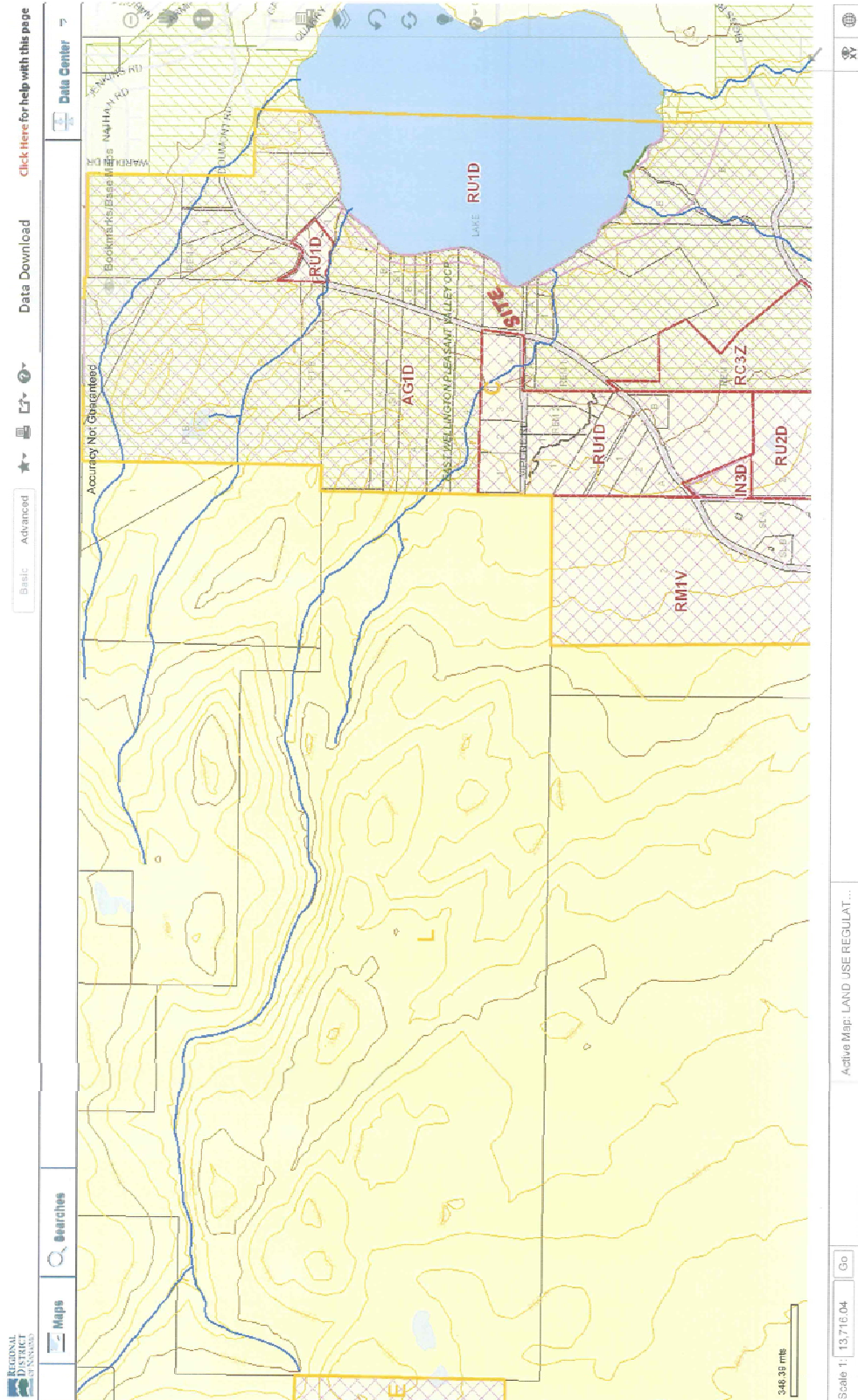
SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below:¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
V ⁹	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹⁰	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998
² Bylaw No. 500.347, adopted September 22, 2009
³ Bylaw No. 500.27, adopted August 9, 1988
⁴ Bylaw No. 500.66, adopted December 12, 1989
⁵ Bylaw No. 500.324, adopted February 28, 2006
⁶ Bylaw No. 500.264, adopted October 10, 2000
⁷ Bylaw No. 500.264, adopted October 10, 2000
⁸ Bylaw No. 500.27, adopted August 9, 1988
⁹ Bylaw No. 500.253, adopted January 11, 2000
¹⁰ Bylaw No. 500.275, adopted October 9, 2001

FIGURE 1 OF 1



<https://map.rdn.bc.ca/OPGIS/WebPages/Map/FundyViewer.aspx?s=B57F83BE24D1A5D4B2A501DE22E3B9DE84528F3F>

2018-01-30

TAB NO. 8

clt 298872

DEPOSITED
P 19255

Telephone: (604) 294-5211

Room 133, 4940 Canada Way, Burnaby, B.C. V5G 4K6
Reply to attention of Everett Lew

British Columbia
Agricultural
Land Commission

November 30, 1984

LAND TITLE OFFICE
VICTORIA

exclusion

Dear Sir:

Re: Application #02-S-81-14120
Lot 5, Plan 3225, District Lot 35, Wellington District

In reply to your letter of 26 November 1984 regarding the above, this is to advise that the Commission's suggestion as made in its letter of 26 October 1982 is not a mandatory requirement of exclusion.

To reiterate, the suggestion to subdivide the excluded area was made in order to simplify future administrative dealings concerning the land in question. However, as per your request, the Commission will issue a Certificate of Order certifying the exclusion of that part of the property lying east of Dount Road. A copy of this Order is attached for your information. west *

May I remind you that although the area east of the road has been excluded from the ALR, the total parcel (i.e. Lot 5, Plan 3225) is still subject to the Agricultural Land Commission Act and the charge of the Act will remain on the title.

Should you wish to legally subdivide the land sometime in the future, please advise and proceed as outlined in our letter of 26 October 1982.

I
R
M
Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: M. F. Clarke, Chairman

c.c. Regional District of Nanaimo (ALR 463) DEC 14 1984
Ministry of Highways, Nanaimo
B.C. Assessment Authority, Nanaimo
Land Title Office, Victoria

EL/kj

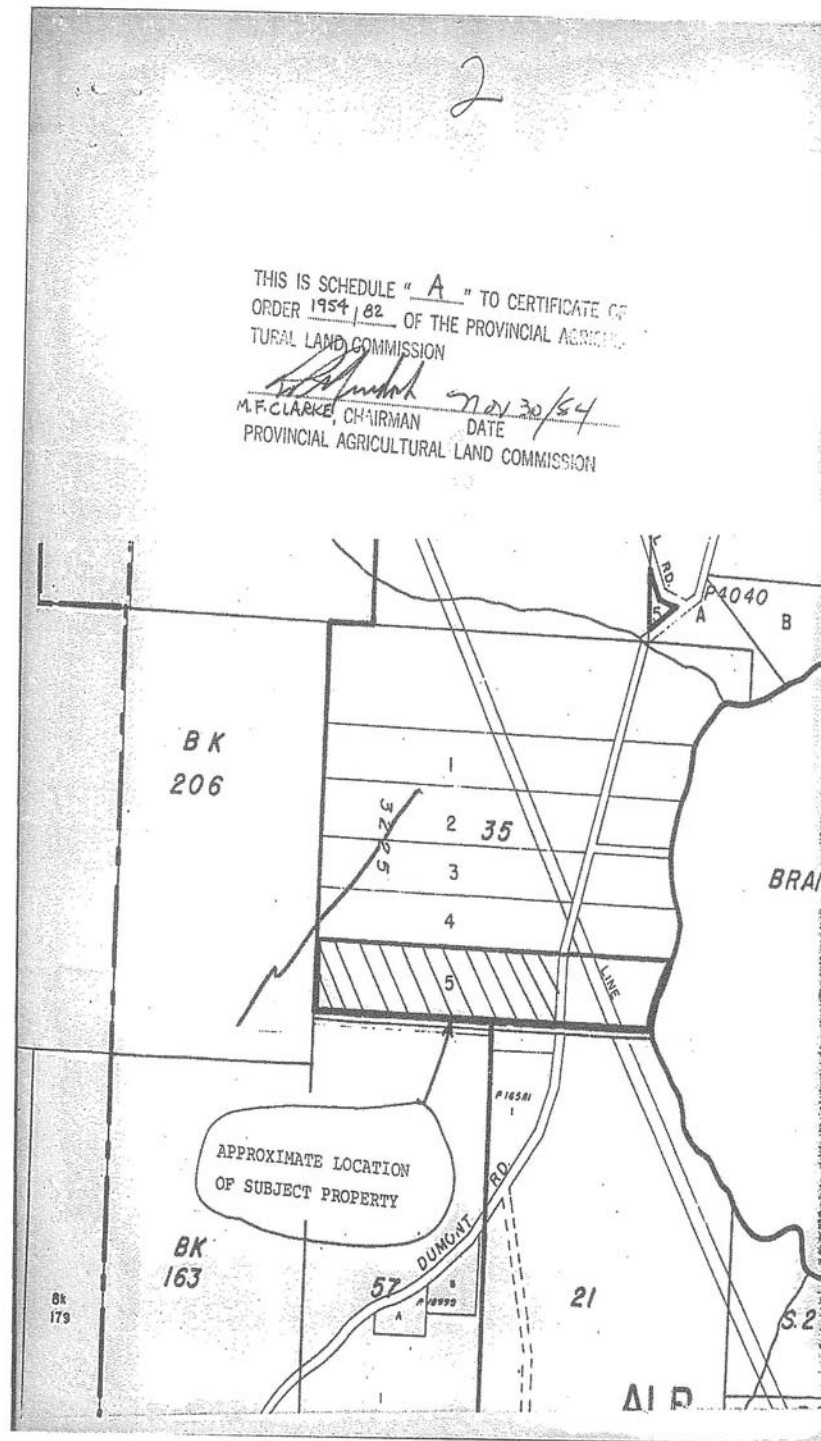
enc.

14460

* should read west of Dount Road
not east - see letter # 15627
dated 11.1.85 - attached

228-113

Page 1 of 1



3
#1954/82

CERTIFICATE OF ORDER OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION PURSUANT
TO THE AGRICULTURAL LAND COMMISSION ACT

Re: That part of Lot 5, District Lot 35, Wellington District, Plan 3225,
lying West of Doumont Road, hereinafter referred to as the "land".


WHEREAS the land is included within the Agricultural Land Reserve Plan of the
Regional District of Nanaimo as designated by the Provincial Agricultural Land
Commission on the 5th day of July 1974;

AND WHEREAS Section 12(1) of the Agricultural Land Commission Act provides for
a person to apply to the Commission to have the land excluded from the Agricul-
tural Land Reserve;

AND WHEREAS the owner of the land has applied under Section 12(1) of the
Agricultural Land Commission Act for the exclusion of the lands from the
designated Agricultural Land Reserve;

NOW THEREFORE I hereby certify that the Provincial Agricultural Land Commission
by Resolution #1954/82 dated the 5th day of October 1982 approved an Order
under Section 12(2) of the Agricultural Land Commission Act, allowing the
exclusion of a portion of the land as shown hatched on the attached map marked
Schedule "A", and thereby amending the Agricultural Land Reserve Plan of the
Regional District of Nanaimo.

Dated at Burnaby, British Columbia this 30th day of November 1984.


Per: M. F. Clarke, Chairman
Provincial Agricultural Land Commission

4 19255
Telephone: (604) 294-5211

British Columbia
Agricultural
Land Commission

11 January 1985

Room 133, 4940 Canada Way, Burnaby, B.C. V5G 4K6

Reply to the attention of Everett Lew

15637

Re: Application #02-S-81-14120
Lot 5, Plan 3225, District Lot 35,
Wellington District

Please be advised that an error has been noted in our letter of 30 November 1984. Reference to the excluded area should read the area lying "west" of Doumont Road and not "east" as noted.

We apologize for the error and trust you have not been unduly inconvenienced in any way. In any event, the title for the property will still have the charge of the Agricultural Land Commission Act as the excluded area is not a legal parcel of land.

Yours truly

AGRICULTURAL LAND COMMISSION

per: 

M. F. Clarke, Chairman


cc: Regional District of Nanaimo (ALR 463)
Ministry of Highways, Nanaimo
B.C. Assessment Authority, Nanaimo
Land Title Office, Victoria

EL:js

JAN 16 1985

TAB NO. 9

REVISED 2014-09-08 REG-2014-05-08 11:25:03



LAND TITLE ACT
(FORM 2), Section 173(1)

CERTIFICATE OF INDEFEASIBLE TITLE

Land Title Office, Victoria, British Columbia

Title No. K 9 8 8 7 2
From Title No. H73360

The undermentioned owner in fee-simple is indefeasibly entitled to an estate in fee-simple, subject to such charges, liens, and interests as are notified by endorsement on this certificate and subject to the conditions, exceptions, and reservations set out on the back hereof, to the land in British Columbia described below.

Registered owner in fee-simple: (Application for registration received on 19th October, 1981)
ARMAND EDWARD CAILLET, Businessman, as to an undivided 1/3rd interest;
and LANTZVILLE HOTEL COMPANY LIMITED., (Inc. No. 36,114), as to an undivided 2/3rd interest, R.R. #1, Doumont Road, Lantzville, B.C.

Description of land: (Nanaimo Assessment District)
Lot 5, District Lot 35, Wellington District, Plan 3225

This Certificate of Title may be affected by the Agricultural Land Commission Act; see Agricultural Land Reserve Plan No. 5, deposited July 26th, 1974, R.E. Hooper, Registrar, Per: RE Hooper
Excluded as to part lying West of Doumont Road only, P19255 12/3/85 RE Hooper

ONE PAGE ONLY

CHARGES, LIENS, AND INTERESTS*

Nature of Charge, Number, Date and Time of Application	Registered Owner of Charge	Remarks
Exceptions and Reservations 54530-G	Esquimalt and Nanaimo Railway Company	
E 143342-G 16.1.50 2:50	British Columbia Hydro and Power Authority	
M H73361 28.9.79 11:11	Federal Business Development Bank	<i>Cancelled by K103434 1.12.81 R.E. Hooper</i>
M H73362 28.9.79 11:11	Lori Berzenski	<i>Cancelled by K103434 12.11.81 R.E. Hooper per H2</i>
M K54852 27.5.81 1:26	The Royal Bank of Canada	<i>Cancelled by K103434 12.11.81 R.E. Hooper per H2</i>
M R39979 21.05.86 11:53	Canadian Imperial Bank of Commerce	

Signed and sealed by me, this 26th day of October, 1981
R.E. Hooper
Registrar

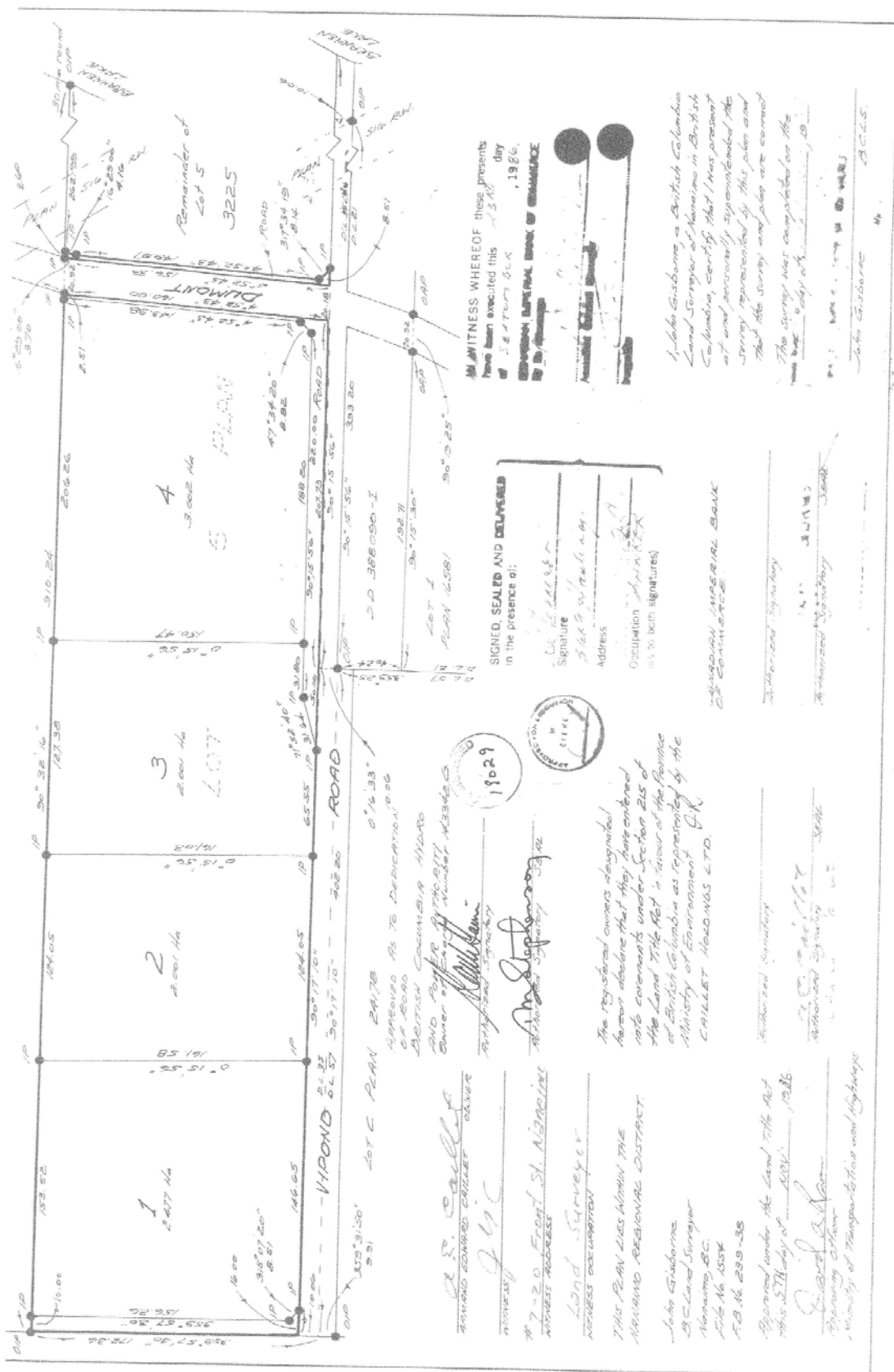
DUPLICATE CERTIFICATE OF TITLE

Date Issued	Name and Address of Person to Whom Delivered	Dating, Return of Request for Duplicate Certificate of Title	Date of Cancellation of Duplicate Certificate of Title

Title Cancelled and Reason Disposed of as Follows	Date	Signature of Registrar
<u>000 - R39978</u>	<u>28.5.86</u>	<u>R.E. Hooper per H2</u>

* Each entry in column 4 refers to the land described, unless otherwise indicated in "Remarks" column. See back hereof for abbreviations, etc.

TAB NO. 10



TAB NO. 11

TITLE SEARCH PRINT


File Reference:

Declared Value \$\$48,000.00

2018-06-12, 13:58:45

Requestor: George Smythies

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	S57479
From Title Number	R109612
Application Received	1987-06-05
Application Entered	1987-06-11
Title Cancelled	2010-02-15
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	DIANE MARGARET CAILLET, ENGINEERING AIR STEPHEN JONATHON WILSON, FINANCIAL ADVISOR 
Taxation Authority	Nanaimo/Cowichan Assessment Area
Description of Land	
Parcel Identifier:	004-187-741
Legal Description:	LOT 5, DISTRICT LOT 35, WELLINGTON DISTRICT, PLAN 3225 EXCEPT THAT PART IN PLAN 44451
Legal Notations	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26TH, 1974

TITLE SEARCH PRINT

File Reference:

Declared Value \$\$48,000.00

2018-06-12, 13:58:45

Requestor: George Smythies

Charges, Liens and Interests

Nature:

Registration Number:

Registered Owner:

Remarks:

EXCEPTIONS AND RESERVATIONS

M76300

ESQUIMALT AND NANAIMO RAILWAY COMPANY

A.F.B. 9.693.7434A

54530G SECTION 172(3)

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature:

Registration Number:

Registration Date and Time:

Remarks:

PRIORITY AGREEMENT

ED25024

1900-03-02 08:59

GRANTING EC115673 PRIORITY OVER S57480,

SEE EC22389 AND ED50942

Nature:

Registration Number:

Registration Date and Time:

Registered Owner:

Remarks:

STATUTORY RIGHT OF WAY

143342G

1950-01-16 14:50

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

INTER ALIA

Nature:

Registration Number:

Registration Date and Time:

Registered Owner:

Remarks:

COVENANT

R103808

1986-11-26 11:22

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

THE REGIONAL DISTRICT OF NANAIMO

INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT

INCLUDES INDEMNITY UNDER SECTION 215(2)(A) LAND

TITLE ACT, WITH PRIORITY OVER R39979

Nature:

Registration Number:

Registration Date and Time:

Registered Owner:

Remarks:

COVENANT

R103809

1986-11-26 11:22

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA

INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT

WITH PRIORITY OVER R39979

TITLE SEARCH PRINT

2018-06-12, 13:58:45

File Reference:

Requestor: George Smythies

Declared Value \$\$48,000.00

Nature: MORTGAGE
Registration Number: S57480
Registration Date and Time: 1987-06-05 10:18
Registered Owner: GEORGE HILLIS WILSON
IRENE ALEXINA WILSON
AS JOINT TENANTS
Remarks: MODIFIED BY EC22389
TRANSMITTTED TO ED50942

Nature: MORTGAGE
Registration Number: EC22389
Registration Date and Time: 1989-03-13 11:50
Remarks: MODIFICATION OF S57480
TRANSMITTED ED50942

Nature: STATUTORY RIGHT OF WAY
Registration Number: EC115673
Registration Date and Time: 1989-11-02 13:44
Registered Owner: TERASEN GAS (VANCOUVER ISLAND) INC.
Transfer Number: EV64783
Remarks: CANCELLED AS TO ALL EXCEPT PART IN
PLAN VIP57625

Nature: MORTGAGE
Registration Number: ED50942
Registration Date and Time: 1990-05-07 09:28
Registered Owner: IRENE ALEXINA WILSON
Remarks: TRANSMISSION OF S57480, SEE EC22389,
APPL REC'D 05/06/1987 @ 10:18

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

Registration Date: 2010-02-15
Description: ALL CA1428721

TAB NO. 12

TITLE SEARCH PRINT

File Reference:

2017-12-12, 11:40:30

Requestor: Terry West

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District
Land Title Office

VICTORIA
VICTORIA

Title Number
From Title Number

CA1428721
S57479

Application Received

2010-01-20

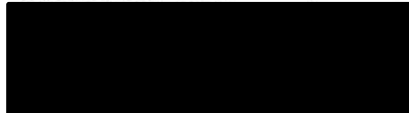
Application Entered

2010-02-15

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

STEPHEN JONATHON WILSON, FINANCIAL ADVISOR



Taxation Authority

Nanaimo/Cowichan Assessment Area

Description of Land

Parcel Identifier:

004-187-741

Legal Description:

LOT 5, DISTRICT LOT 35, WELLINGTON DISTRICT, PLAN 3225
EXCEPT THAT PART IN PLAN 44451

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED
JULY 26TH, 1974

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

INTER ALIA

A.F.B. 9.693.7434A

54530G SECTION 172(3)

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2017-12-12, 11:40:30

File Reference:

Requestor: Terry West

Nature: PRIORITY AGREEMENT
Registration Number: ED25024
Registration Date and Time: 1900-03-02 08:59
Remarks: GRANTING EC115673 PRIORITY OVER S57480,
SEE EC22389 AND ED50942

Nature: STATUTORY RIGHT OF WAY
Registration Number: 143342G
Registration Date and Time: 1950-01-16 14:50
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: R103808
Registration Date and Time: 1986-11-26 11:22
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
THE REGIONAL DISTRICT OF NANAIMO
Remarks: INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT
INCLUDES INDEMNITY UNDER SECTION 215(2)(A) LAND
TITLE ACT, WITH PRIORITY OVER R39979

Nature: COVENANT
Registration Number: R103809
Registration Date and Time: 1986-11-26 11:22
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks: INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT
WITH PRIORITY OVER R39979

Nature: STATUTORY RIGHT OF WAY
Registration Number: EC115673
Registration Date and Time: 1989-11-02 13:44
Registered Owner: TERASEN GAS (VANCOUVER ISLAND) INC.
Transfer Number: EV64783
Remarks: CANCELLED AS TO ALL EXCEPT PART IN
PLAN VIP57625

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

TITLE SEARCH PRINT

File Reference:

2017-12-12, 11:40:30

Requestor: Terry West

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA1428721
From Title Number	S57479
Application Received	2010-01-20
Application Entered	2010-02-15
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	STEPHEN JONATHON WILSON, FINANCIAL ADVISOR 
Taxation Authority	Nanaimo/Cowichan Assessment Area
Description of Land	
Parcel Identifier:	004-187-741
Legal Description:	LOT 5, DISTRICT LOT 35, WELLINGTON DISTRICT, PLAN 3225 EXCEPT THAT PART IN PLAN 44451
Legal Notations	
	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26TH, 1974
Charges, Liens and Interests	
Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A 54530G SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E AND N RAILWAY COMPANY FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

2017-12-12, 11:40:30

File Reference:

Requestor: Terry West

Nature: PRIORITY AGREEMENT
Registration Number: ED25024
Registration Date and Time: 1900-03-02 08:59
Remarks: GRANTING EC115673 PRIORITY OVER S57480,
SEE EC22389 AND ED50942

Nature: STATUTORY RIGHT OF WAY
Registration Number: 143342G
Registration Date and Time: 1950-01-16 14:50
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA

Nature: COVENANT
Registration Number: R103808
Registration Date and Time: 1986-11-26 11:22
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks: THE REGIONAL DISTRICT OF NANAIMO
INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT
INCLUDES INDEMNITY UNDER SECTION 215(2)(A) LAND
TITLE ACT, WITH PRIORITY OVER R39979

Nature: COVENANT
Registration Number: R103809
Registration Date and Time: 1986-11-26 11:22
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks: INTER ALIA, PURSUANT TO SECTION 215 LAND TITLE ACT
WITH PRIORITY OVER R39979

Nature: STATUTORY RIGHT OF WAY
Registration Number: EC115673
Registration Date and Time: 1989-11-02 13:44
Registered Owner: TERASEN GAS (VANCOUVER ISLAND) INC.
Transfer Number: EV64783
Remarks: CANCELLED AS TO ALL EXCEPT PART IN
PLAN VIP57625

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

REMAINDER LOT 5, PLAN 3225, DISTRICT LOT 35, WELLINGTON DISTRICT

A report to accompany an application to subdivide
land in the ALR

Compiled by: Glencar Consultants Inc.
Nanaimo, BC

INTRODUCTION

The purpose of this report is to provide background information re an application to subdivide the remainder of Lot 5, Plan 3225, District Lot 35, Wellington District within the boundaries of the Agricultural Land Reserve. It also provides reasons for making the application.

The intent is to subdivide the property as zoned by the Regional District of Nanaimo into 2 strata lots, each lot being a residence. The remainder would be common property and/or limited common property. A development plan is not included as the positioning of each house would not be considered until the ALC has decided on this application. General locations would be one residence in the southerly portion, the other in the northerly portion.

The original survey of lot 5, Plan 3225, was registered on November 6/25. At that time the portion of lot 5 east of Dumont Road was in excess of 9 acres. Since then the boundary of Brannen Lake has changed and the upland portion of lot 5 is now only about 3.78 acres.

A portion of the Upland is also covered by the main BC Hydro transmission line for Vancouver Island and the main distribution line for natural gas. There is also the Riparian Area for Brannen Lake. These further reduce the agricultural potential of the site to about 2.5 acres.

The site has always been vacant but one residence can be built on it. It is inevitable that construction of a residence and the associated improvements (well, septic field, outbuildings, driveway, landscaping) would split the site into various segments which could not be used for agriculture. This makes a small site even less useable for agriculture.

The site has no agricultural history since 1925 other than very limited use as a seasonal pasture for a small number of neighbourhood animals with the extent of use dependent on the weather. This seasonal use kept the vegetation down.

The application would retain the property in the ALR so that the ALC would retain a say over any future proposed changes which might affect operating agricultural uses in the area.

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SITE DESCRIPTION

LEGAL DESCRIPTION

- Remainder lot 5, Plan 3225, District Lot 35, Wellington District.

LOCATION

- West of the City of Nanaimo and adjacent to the west boundary of Brannen Lake. See photo in Tab No. 1. In electoral area C of the Nanaimo Regional District.

AREA

- There is a difference between the area of the subject property as shown on Plan 3225 and the actual physically useable area of the site.

The original subdivision of the property, Plan 3225, was registered on November 16, 1925 (see Tab No. 2). It identified the boundaries of Brannen Lake and Dumont Road at the time. The area between Dumont Road and the lake appears to be in excess of 9 acres and is shown outlined in red. The BC Assessment Authority uses an area of 9.575 acres.

Since 1925 the location of Dumont Road has not changed but the boundary of Brannen Lake has changed considerably. The probable reason is the installation of control structures at the lake outlet to control the flow of the Millstone River for fish protection purposes.

Attached in Tab No. 3 is an air photo showing the present situation. There has been a significant change in the lake boundary and adjacent Riparian Area since 1925. The approximate location of the lake boundary is indicated by a dotted line.

To confirm the area of the remaining upland portion of the site, field measurements were taken by a BC Land Surveyor with the results shown in Tab No. 4. Of the original 9.575 acres only 3.78 acres is not part of Brannen Lake. Of this upland portion 3.06 acres is cleared and .72 acres is treed.

From a physical perspective the actual size of the subject property is 3.78 acres. The remaining 5.80 acres is considered to be permanently part of Brannen Lake.

TOPOGRAPHY

- Downhill slope from Dumont Road towards Brannen Lake

PHYSICAL FEATURES

- The site is bisected by 2 BC Hydro right of ways (plans 516 and 763) and a natural gas right of way (plan 57625). The Hydro right of ways contain the main transmission line for Vancouver Island with one steel tower being located onsite. The natural gas main is the main distribution line for Vancouver Island. Within these rights of ways is the Riparian Area for Brannen lake.

Taking a big picture look at the site the portion of the property not covered by any features is shown cross hatched on the map in Tab No. 5. It is approx. 2.5 Ac in size.

REGULATORY DATA

AGRICULTURAL LAND RESERVE (ALR)

- The subject property is within the ALR (see map in Tab No. 6). Properties to the north and south are in the ALR; properties to the east and west are not.

ZONING

- Reflecting it's location in the ALR the property is zoned Agricultural 1D. Minimum lot size for subdivision purposes (subject to ALC approval) is 2 hectares (5 acres) and parcels over 2 hectares are allowed 2 dwelling units (see data in tab No. 7).

SITE HISTORY

ALR APPLICATIONS

- In 1984 the portion of lot 5 west of Dumont Road was excluded from the ALR (see Tab No. 8).

OWNERSHIP

- In 1981 Armand Caillet acquired lot 5 (see title search in Tab No. 9).
- In 1986 the portion of lot 5 west of Dumont Road was subdivided into 4 lots (see Tab No. 10) leaving the subject site as the remainder of lot 5.
- In 1987 title to the remainder of lot 5 was transferred to Diane Caillet and Stephen Wilson. See title search in Tab No. 11.

- In 2010 title was transferred to Stephen Wilson subsequent to Diane Caillet's death. See title search in Tab No. 12.

Title to the property has remained in the Caillet family and/or a relative since 1981.

USE

- The site has been vacant since 1925 and has always stood on it's own. It had a very limited farm use as a seasonal pasture for a small number of neighbourhood animals with the extent of use dependent on the weather. This limited use kept the vegetation down. It did not produce a forage crop. There has never been a residence constructed on it.

While the subject property has been in the ALR since 1972 no applications have been made to the ALC to the best of our knowledge.

ADJACENT LAND USES

North – Mainly cleared rural property with a residence; fields and an unmaintained small orchard. In the ALR.

East – Brannen Lake.

South—Dedicated public road; smaller, mainly treed rural holding with a residence; then a rural residential holding and a waterfront recreation area for a public campground. This recreational area contains the same hydro and gas right of ways contained in the subject property. In the ALR.

West – Rural holding which was once part of the subject lot 5. Not in the ALR.

AREA FARMING HISTORY

While there is no farm history to the east and west of the subject property there has been/still are some farm operations to the north and southeast. The operations to the north are smaller scale rural holdings --- usually split by Dumont Road. Some cleared lands are used for livestock pasturing and some small-scale fruit and vegetable production. Most of the active operations are owned and operated by older families with a long history in the area. This area to the north of the subject property is slowly but surely

being transformed into a rural residential area as the older families move on. Farm operations have decreased since implementation of the ALR with some reasons being:

- The smaller size of the parcels.
- Soil limitations involving costly improvements.
- Raw land costs for smaller rural holdings close to the City of Nanaimo have increased to the point that agricultural use is no longer viable for purchasers. This increase in raw land costs reflects a shortage of developable land in the Nanaimo area.

The farm operations to the southeast are mainly large, flat properties at the head of the Millstone Valley used for hay production and pasture. Some areas experience seasonal flooding.

SOILS REPORT

In October, 2017 Madrone Environmental Consultants conducted a soil survey and land capability assessment of the subject property. A copy is contained in Tab No. 13.

THE APPLICATION

The original intent was to submit an application to exclude the subject property from the ALR. However considering the ALC's past reluctance to exclude lands in this area this application is to develop the property under the existing zoning. More specifically, the application is to construct two residences on the site which would be strata titled. Note that one residence is already allowed regardless of this application.

REASONS FOR MAKING THE APPLICATION

PARCEL SIZE AND SITE LIMITATIONS

- As explained previously the upland portion of the site totals 3.78 acres. However this portion contains the main BC Hydro transmission line with one steel tower located onsite. It also contains the main distribution natural gas main for Vancouver Island. Adjacent to Brannen Lake is also a Riparian Area which needs to be protected. This leaves an approx. 2.5 acre parcel unaffected.

- However in addition to the preceding the site is vacant but one residence can be built on it. This means that space has to be allocated on the unaffected portion for a:

- residence
- driveway to the residence
- septic field
- well
- outbuilding (storage, parking, etc)
- landscaping

- It is inevitable that construction of a residence and associated improvements will split the site into various segments, portions of which could not be used for agriculture (well, septic field, etc). This would make a small site even less useable for agriculture.

In this particular case we feel that the small useable size of the parcel combined with the site constraints (Hydro line, gas line, riparian area and future residence) limit the agricultural use of the site to the point the site could best be used for rural residential use as zoned(2 residences) without it being excluded from the ALR. In this situation the ALC retains a say over any future proposed changes which might affect operating agricultural uses in the area.

COMPATIBILITY

- The proposed use is compatible with existing uses in the area, including ALR sites. It would not impact on existing agricultural uses in the area.

PRECEDENT

- The proposed use would not set a precedent for the area. In this particular case the site size and constraints affect the subject property much more severely than other properties in the area.

SITE HISTORY

- The site has no agricultural history since 1925 other than very limited use as a seasonal pasture for a small number of neighbourhood animals with the extent of use dependent on the weather. This seasonal use kept the vegetation down.

EXISTING REGULATIONS

- The proposed use is consistent with existing regulations. It does however require approval from the ALC for the second residence.

IMPACT

- The use is consistent with small parcels immediately adjacent to the south of the site which are in the ALR and do not impact agriculture in the area.



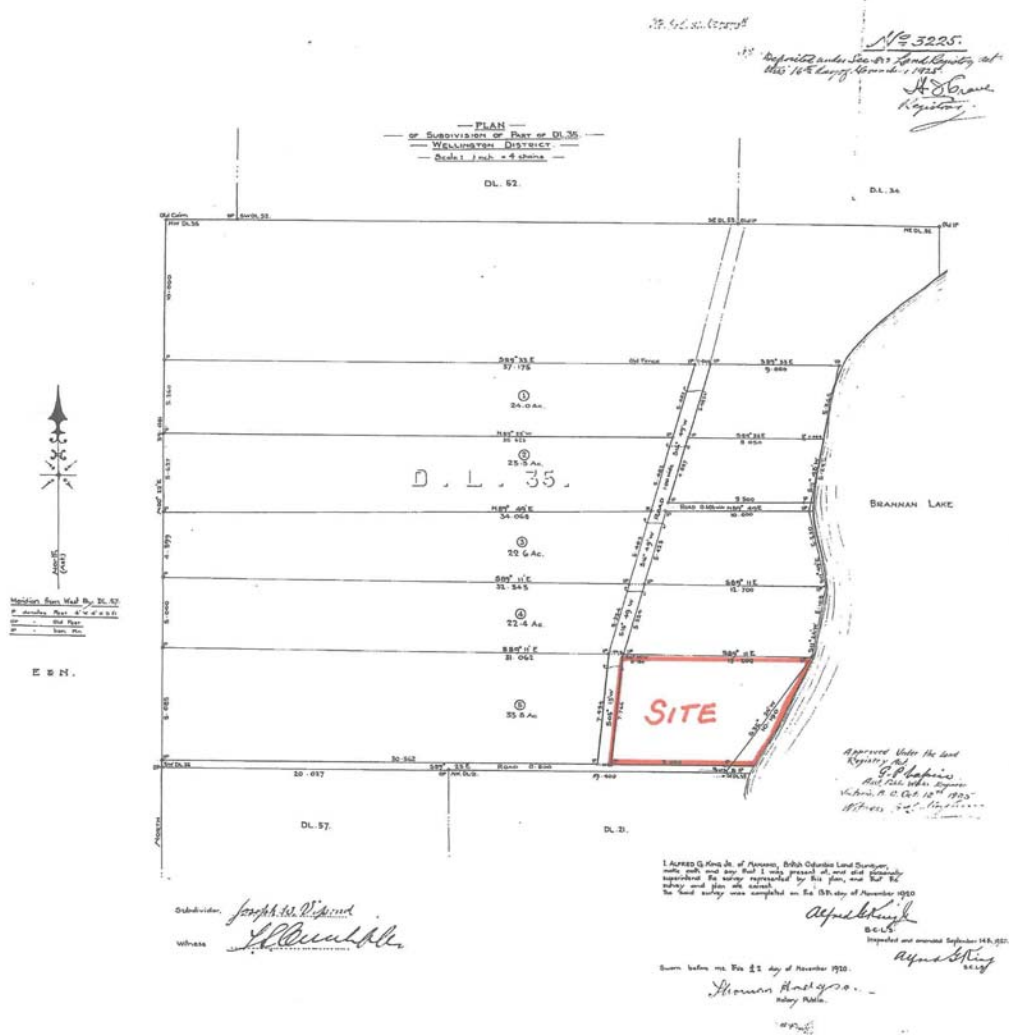
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Plan #: V1P3225 App #: N/A Crt #: 1

Status: Filed

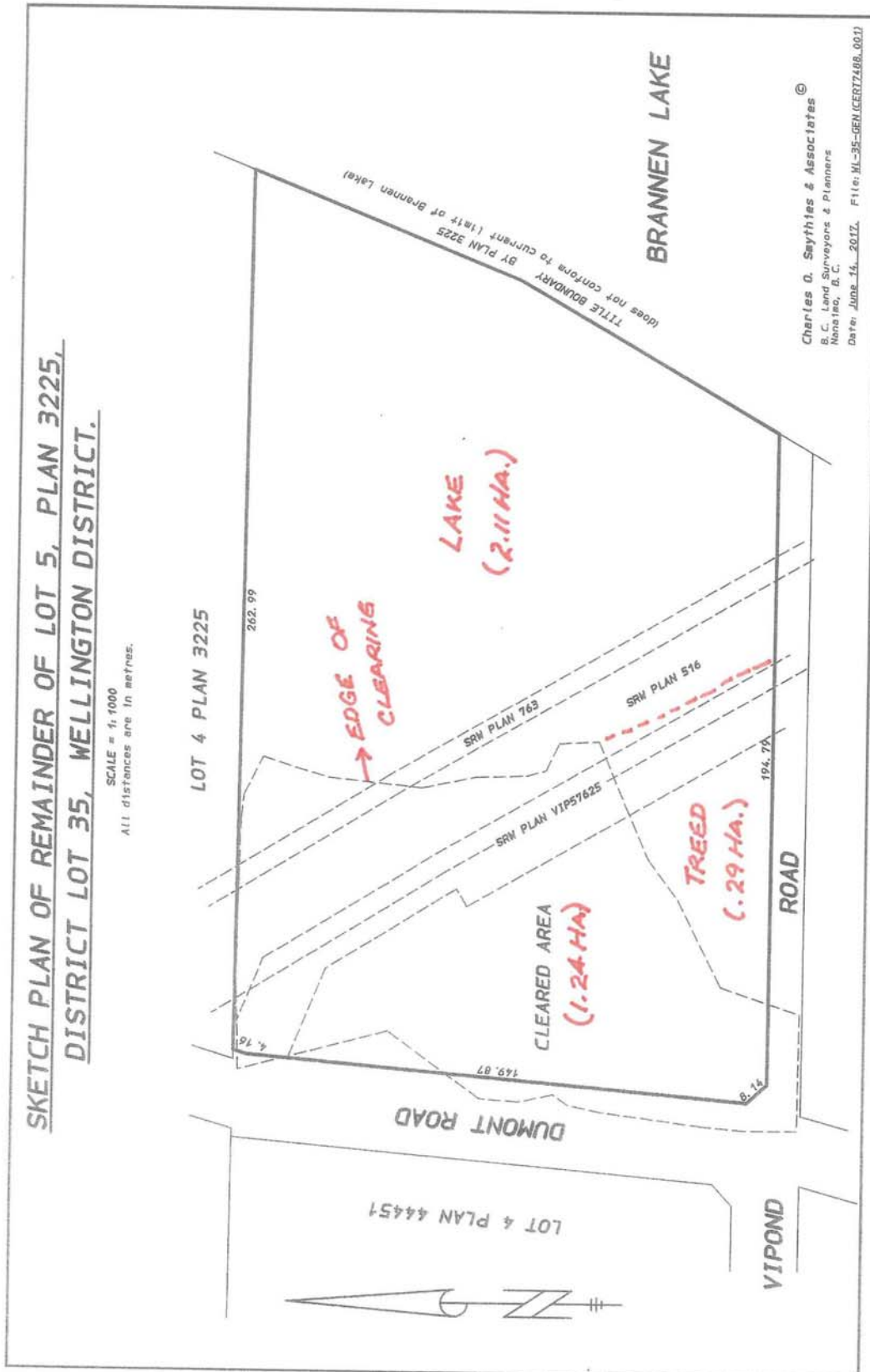
Page 1 of 1



TAB NO. 3

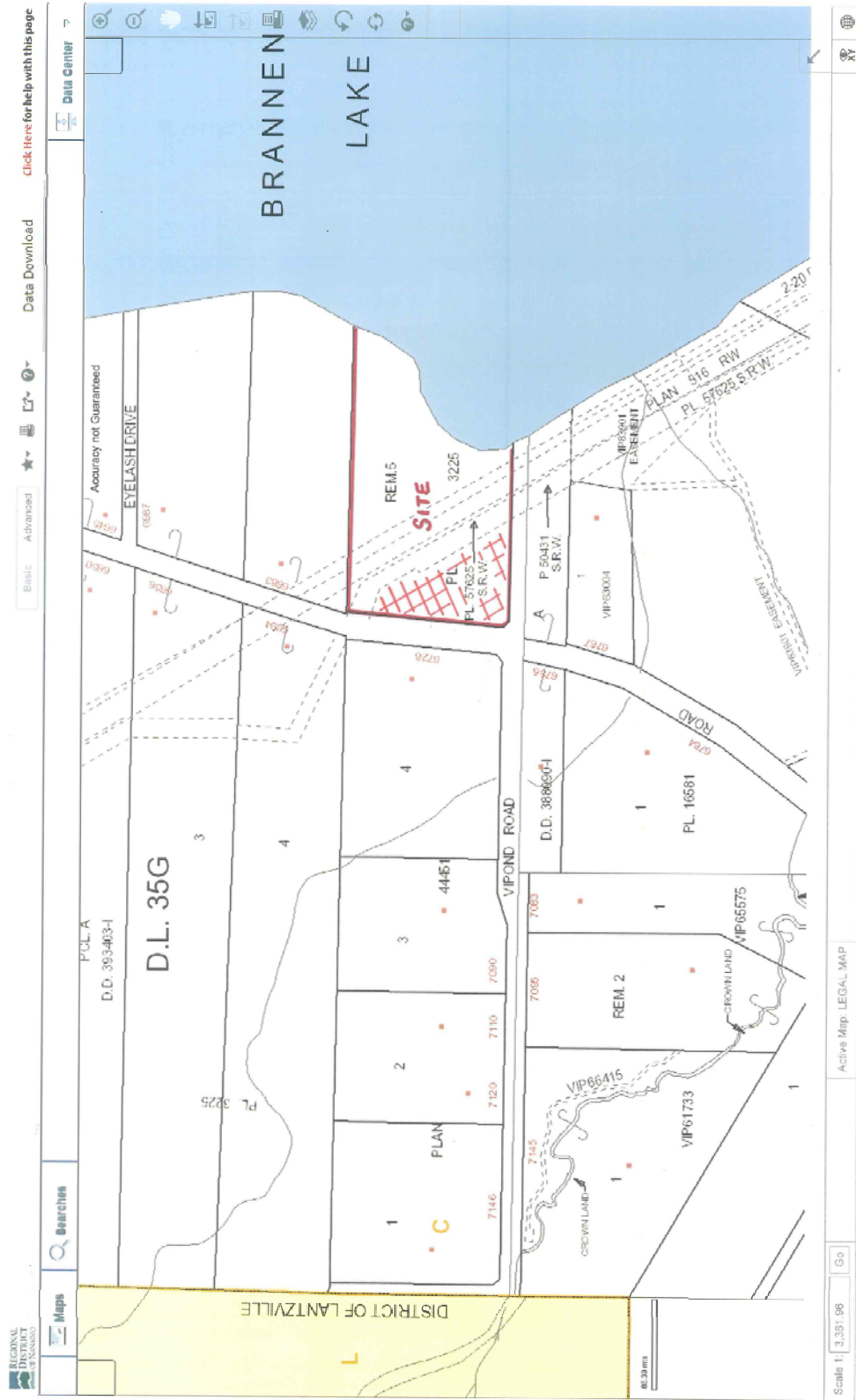


TAB NO. 4



TAB NO. 5

1.455-1.01.1



<https://map.rdn.bc.ca/OPGIS/WEBPages/Map/FundyViewer.aspx?is=B57F83BE24D1A5D4B2A501DE22E3B9DE84528F3F>

2017-12-12

TAB NO. 6

