

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
FRIDAY, February 17, 2017
2:00 PM

(Board Room)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3 –6 Minutes of the regular Agricultural Advisory Committee meeting held November 25, 2016

That the minutes of the Agricultural Advisory Committee meeting held November 25, 2016 be adopted.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

7-16 Agricultural Land Commission Decision (November 21, 2016) on PL2016-034 – ALR Subdivision application - 2070 Akenhead Rd – Electoral Area 'A'

17-25 Agricultural Land Commission Decision (December 21, 2016) on PL2016-097 – ALR Non-Farm Use - 1888 Kaye Road Electoral Area 'E'

26-34 Agricultural Land Commission Decision (January 30, 2017) on PL2016-096 – ALR Subdivision Application - 6617 Doumont Road - Electoral Area 'C'

UNFINISHED BUSINESS

REPORTS

35-36 Agricultural Land Commission (ALC) Final Decisions – Verbal Report from RDN staff
(Table attached)

Islands Agriculture Show, February 3 - 4, 2017 held in Port Alberni, BC – Verbal Report from RDN staff

(No attachment)

Agriculture Advisory Committee (AAC) 2017 Provisional Meeting Dates – Verbal Report from RDN staff

(No attachment)

37-151 PL2016-189 - Exclusion – 1155 Leffler Road – Electoral Area F

BUSINESS ARISING FROM DELGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Distribution: H. Houle (Chair), J. Fell, K. Reid, R. Thompson, C. Watson, M. Ryn, K. Wilson, G. Laird, J. Thony, M. Young, J. Stanhope, B. Veenhoff, P. Carlyle, G. Garbutt, J. Holm, P. Thompson, T. Armet, S. Boogarrds, J. Schile, G. Keller, K. Marks, C. Simpson, P. Sherman

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE
MEETING HELD ON FRIDAY NOVEMBER 25 2016 at 2:00 PM
IN THE RDN BOARD ROOM**

Present:

H. Houle	Chairperson
J. Fell	Electoral Area F
C. Haime	District of Lantzville
M. Ryn	Regional Agricultural Organization
J. Thony	Regional Agricultural Organization
K. Reid	Shellfish Aquaculture Organizations
K. Wilson	Representative District 68
G. Laird	Representative District 68
R. Thompson	Representative District 69
C. Watson	Representative District 69

Regrets

Also in Attendance:

M. Young	Director, Electoral Area C
P. Thompson	Mgr. Long Range Planning
J. Holm	Mgr. Current Planning
J. Schile	Senior Planner, Long Range Planning
P. Sherman	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

MINUTES

Chair Houle requested that the minutes of the Agricultural Advisory Committee meeting held on August 26, 2016 be corrected to reflect that J. Thony is a member of the Coombs Farmers Institute and also that the District A Farmers' Institute has a seat on the Board of the Coastal Invasive Species Committee.

MOVED Director J. Fell, SECONDED K. Wilson, that the minutes of the Agricultural Advisory Committee meeting held on Friday, August 26, 2016, be adopted as amended.

CARRIED

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

J. Holm noted that the report, PL2016-151 - ALR Exclusion Application – Island Highway West – Electoral Area H, was incorrectly indicated as a Non-Farm Use Application on the agenda cover however the correct application type is on the report as an Exclusion Application.

REPORTS

PL2016-155 - ALR Non-Farm Use - 2575 Maxey Road – Electoral Area C

The applicant spoke about why he has applied to the Agriculture Land Commission for a non-farm use.

MOVED Director J. Fell, SECONDED K. Wilson, that application No PL2016-155, Kauwell/Rudischer, 2575 Maxey Road – Electoral Area 'C' be forwarded to the Agricultural Land Commission with a recommendation to approve the non-farm use within the ALR.

CARRIED

A recorded vote was requested.

The motion was CARRIED with Director Houle, Director Fell, Director Haime, M. Ryn, J. Thony, K. Reid, K. Wilson, G. Laird and R. Thompson voting in favour, and C. Watson opposed.

Recorded Vote: In favour – 9, Opposed - 1

PL2016-158 - ALR Non-Farm Use Application - 395 and 403 Lowry's Road – Electoral Area G

MOVED Director J. Fell. SECONDED R. Thompson that the application No PL2016-158, Morningstar Springs Farm Ltd., 395 and 403 Lowry's Road – Electoral Area 'G' be forwarded to the Agricultural Land Commission with a recommendation to approve the non-farm use within the ALR.

CARRIED

K. Reid left the meeting citing a potential perceived conflict of interest with the next agenda item, PL2016-151 - ALR Exclusion Application – Island Highway West – Electoral Area H.

PL2016-151 - ALR Exclusion Application – Island Highway West – Electoral Area H

M. Ryn requested to abstain from the vote on PL2016-151 - ALR Exclusion Application – Island Highway West – Electoral Area H and left the meeting before the motion.

The applicant spoke about why he has applied to the Agriculture Land Commission for an exclusion from the ALR.

MOVED Director J. Fell. SECONDED R. Thompson that the application No PL2016-151, Ezra Cook Holdings Ltd., Island Highway West – Electoral Area 'H' be forwarded to the Agricultural Land Commission with a recommendation to approve the ALR exclusion application.

CARRIED

K. Reid and M. Ryn returned to the meeting.

RDN Area 'H' ALR Boundary Preliminary Analysis – Draft Report on Existing Conditions

Andrea Shaw of Upland Consulting presented the draft report regarding the RDN Electoral Area 'H' ALR Preliminary Boundary Analysis.

Response to Changes to the Agriculture Land Reserve Use, Subdivision and Procedure Regulation – Gathering for Events

Discussion on the changes to the Agriculture Land Reserve Use, Subdivision and Procedure Regulation – Gathering for Events and RDN zoning bylaw amendments needed to address this matter.

The committee would like to have further input on the draft bylaw amendments.

A brochure on Gathering for Events in the ALR with an emphasis on 'respecting your neighbour' was supported by the committee.

ALC Final Decisions - Verbal Report from RDN staff

J. Holm provided an update on the Provincial Agricultural Land Commission decisions for previous applications that have been considered by the AAC.

Increasing Public Awareness of the Agricultural Area Plan and its Merits - Verbal Report from RDN staff

P. Thompson provided the committee with an update on the Agricultural Area Plan public awareness plans for 2017, including plans to attend the Islands Agriculture Show in February.

Provincial AAC Workshop – Verbal Report from RDN staff

J. Holm provided an update that the Ministry of Agriculture has advised they anticipate hosting a Provincial AAC Workshop in 2017. Details regarding the workshop will be provided to AAC members, when available, so they can consider attending. The Regional District of Nanaimo AAC Budget has dedicated funding for one member to attend. If more than one member plans to attend, this can be split among multiple members as members can share costs, such as travel.

AAC Membership Expiring at the End of this Year – Verbal Report from RDN staff

J. Holm noted that some committee member appointments would be expiring and that the applications for re-appointment/new appointment will be determined at the next RDN Board meeting.

BUSINESS ARISING FROM DELGATIONS OR COMMUNICATIONS

Jill Hatfield, Regional Agrologist for Vancouver Island North was introduced to the members.

NEW BUSINESS

J. Thony noted that the Coombs Farmers Institute has applied for a Provincial grant, Grow Local BC, a pilot project to provide a deeper connection between BC food, BC communities and the people who live in them.

ADJOURNMENT

MOVED Director J. Fell, SECONDED C. Watson, that this meeting be adjourned.

CARRIED

Time: 3:45 pm

CHAIRPERSON

November 21, 2016

ALC File: 54876

Regional District of Nanaimo
830 West Island Hwy.
Parksville, BC V9P 2X4

Attention: Elaine McCulloch

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island (Resolution #396/2016) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the executive committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (sara.huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #396//2016)
 Sketch Plans (2)

cc: Regional District of Nanaimo (File: PL2016-034)

54876d1

AGRICULTURAL LAND COMMISSION FILE 54876

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Sucha Ollek
Betty Hodgson
(the “Applicants”)**

Agent:

**Elaine McCulloch
(the “Agent”)**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 009-796-801

Section 12 Range 8 Cranberry District Except Parcel A (DD 6974N) and Except Part
in Plan 31 RW

(the "Property")

[2] The Property is 37.8 ha in area (33.4 ha in ALR).

[3] The Property has the civic address 2070 Akenhead Road, Nanaimo, BC.

[4] The Property is located partially within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 21(2) of the *ALCA*, the Applicants are applying to subdivide the 39 ha Property into two fee simple lots and subsequently donate the undeveloped 20 ha eastern parcel (Lot 2) to the Regional District of Nanaimo as a Regional Park (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the *ALCA*:

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] At its meeting of April 12, 2016, the Regional District of Nanaimo Board of Directors resolved:

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.

FINDINGS

[11] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheets 92G.001 and 92G.011 for the mapping units encompassing the ALR portion of the Property are Class 2, Class 3, Class 4, Class 5, Class 7, more specifically (8:5PT -2:7T; 4A, 3W, 2TD, 2A, and 7W). The eastern half

of the Property which is the area of the proposed 20 ha subdivision for park use is predominantly Class 2A.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are P (stoniness), T (topographic limitations), A (soil moisture deficiency-modified), W (excess water), and D (undesirable soil structure).

[12] The western portion of the Property is actively farmed with 12.5 ha hayfields, a dwelling unit, a barn, and accessory buildings. The eastern 20 ha of the Property is primarily undeveloped. The Application notes that the Property is located in the floodplain of the Nanaimo River which the Application asserts precludes the eastern portion of the Property from being used for agriculture.

[13] Despite being located on a floodplain, The Panel finds that the Property has good agricultural capability based on the BCLI rating and, although not presently farmed, could support a wide range of crops.

[14] The Application states that the park is proposed at this location in order to secure a sensitive riparian habitat within the Nanaimo River watershed, to provide auxiliary access to a future pedestrian bridge over the Nanaimo River as part of the Morden Colliery Trail, and to provide opportunities for riverside and forest trail development. In addition, the Application states that it is not anticipated that the Property will require any major development or maintenance costs (roads or parking) as access to the proposed regional park would be from the Morden Colliery Provincial Park and Morden Colliery Regional Trail trailhead.

[15] Section 3(1)(f) and (g) of BC Regulation 210/2016 Agricultural Land Reserve Use, Subdivision, and Procedure Regulation (the "Regulation") allow for use of an open land park established by a local government or treaty first nation government for the purposes of biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes. While open land park purposes are a permitted non-farm use within the ALR, the Proposal is requesting subdivision in order to create a parcel on which to conduct park use. The Panel does not believe that the proposed park uses supersede the priority agricultural use of prime agricultural land.

[16] The Panel finds that there is no agricultural advantage to subdividing a capable agricultural parcel for primary park use, and further that the Property has greater agricultural utility as a large cohesive farm parcel.

DECISION

[17] For the reasons given above, the Island Panel refuses the Proposal.

[18] The Island Panel; however, is amenable to subdivision of the Property south of the Morden Colliery Trail and along a 10 metre buffer to the west of the floodplain of the Nanaimo River. Two options for subdivision are attached to this decision. Should one of these options be pursued, the subdivision is subject to the following conditions:

- a. the preparation of a subdivision plan to delineate the area to be subdivided per the drawing submitted with the Reasons for Decision;

- b. the subdivision be in substantial compliance with the plan provided as attachment to the Reasons for Decision;
- c. submission of two (2) paper copies or one (1) electronic copy of the final survey plan to the Commission;
- d. the subdivision plan being completed within three (3) years from the date of release of this decision.

[19] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[21] This decision is recorded as Resolution #396/2016 and is released on November 21, 2016.

CERTIFICATION OF DECISION

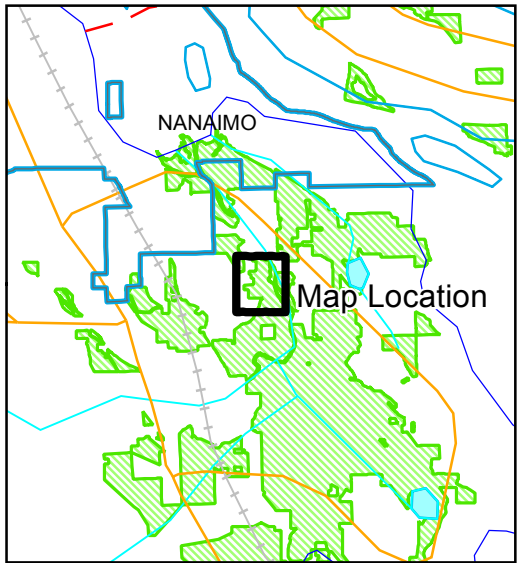


Jennifer Dyson, Panel Chair, on behalf of the Island Panel

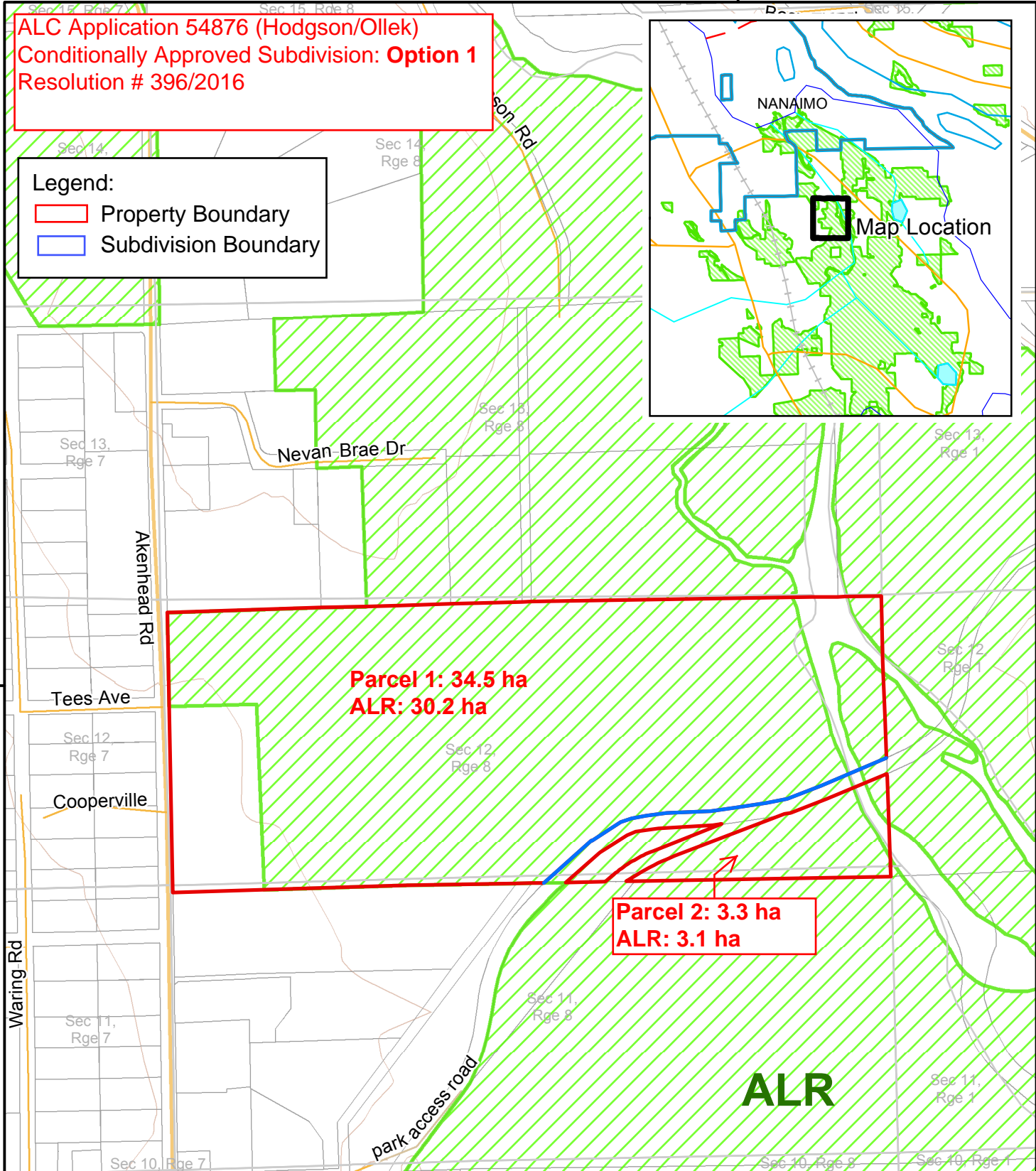
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ALC Application 54876 (Hodgson/Ollek)
Conditionally Approved Subdivision: Option 1
Resolution # 396/2016

Legend:
[Red Line] Property Boundary
[Blue Line] Subdivision Boundary

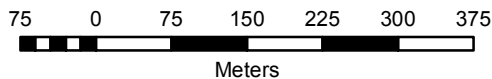


49°50'0"N



ALR Context Map

Map Scale: 1:7,500

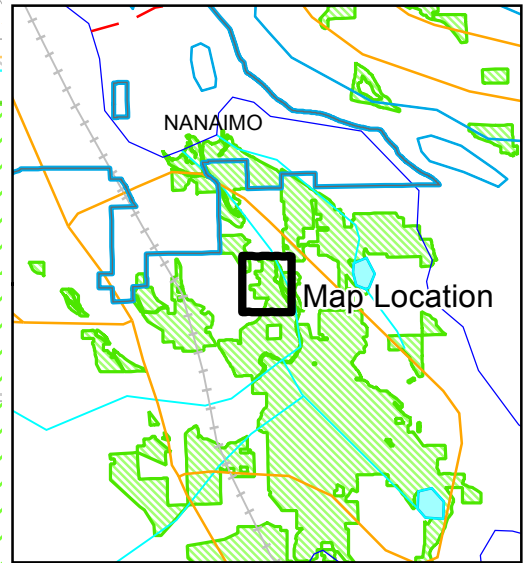


ALC File #: 54876
Mapsheet #: 92G.001, 92G.011
Map Produced: November 17, 2016
Regional District: Nanaimo

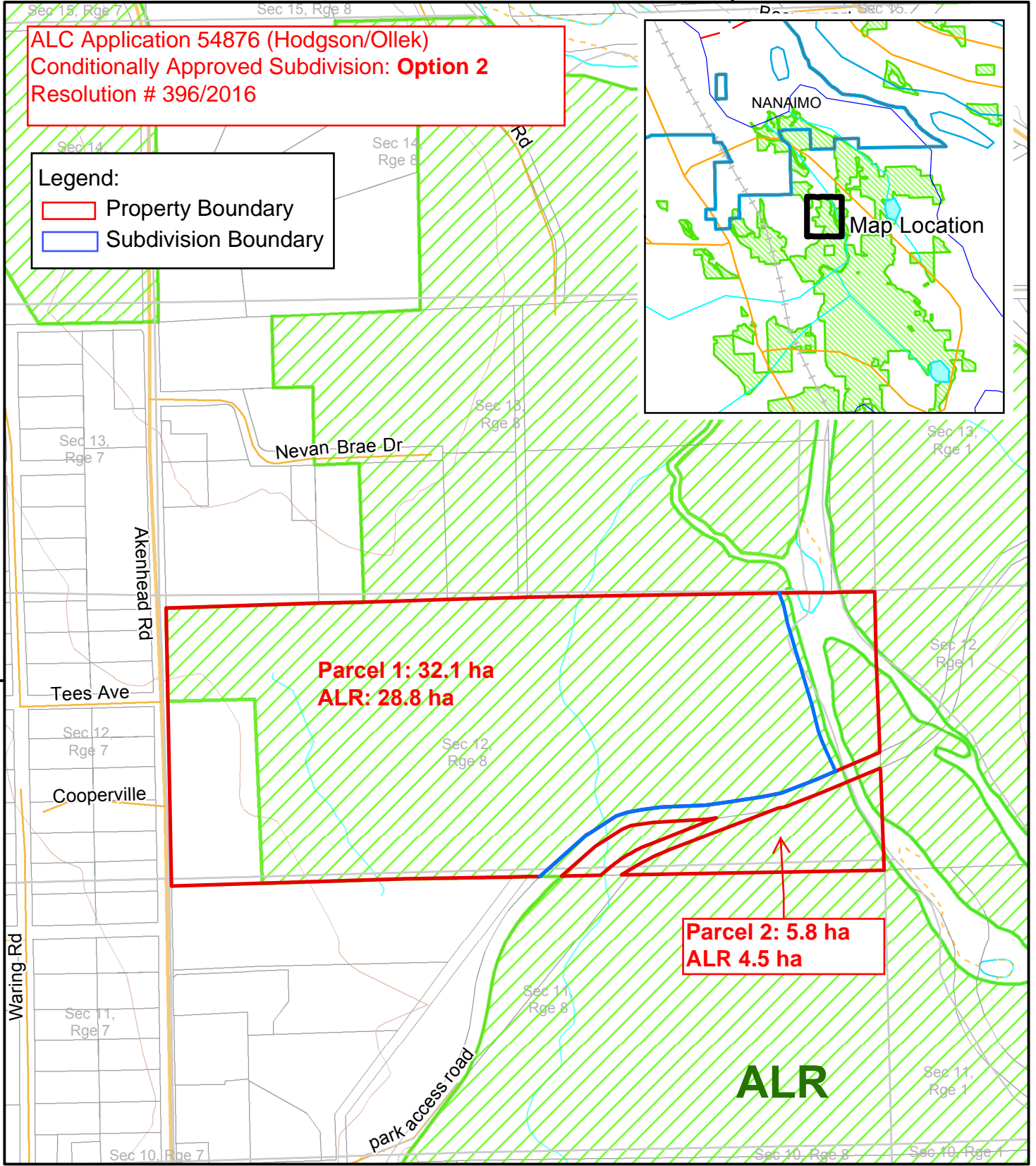
ALC Application 54876 (Hodgson/Ollek)
Conditionally Approved Subdivision: **Option 2**
Resolution # 396/2016

Legend:

- Property Boundary
- Subdivision Boundary

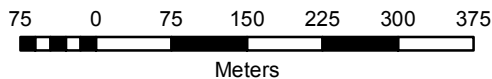


49°50'0"N



ALR Context Map

Map Scale: 1:7,500



ALC File #:	54876
Mapsheet #:	92G.001, 92G.011
Map Produced:	November 17, 2016
Regional District:	Nanaimo



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 21, 2016

ALC File: 55354

Culverden Holdings Ltd. /
Seven Springs Camp and Retreat Centre
1515 Island Highway East
NanOOSE Bay, BC V9P 9A3

Attention: Robert Bau

Dear Mr. Bau:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #439/2016) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

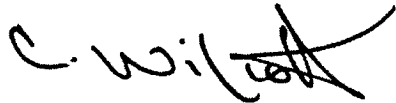
For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Page 2 of 2

Further correspondence with respect to this application is to be directed to Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott, RPP, MCIP
Land Use Planner

Enclosure: Reasons for Decision (Resolution #439/2016)
 Sketch Plan

cc: Regional District of Nanaimo (File: PL2016-097) Attention: Jamai Schile - Planner

55354d1



AGRICULTURAL LAND COMMISSION FILE 55354

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**Culverden Holdings Ltd. /
Seven Springs Camp and
Retreat Centre
(the “Applicant”)**

Agent:

**Robert Bau
(the “Agent”)**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 024-886-785

Lot 1, District Lot 171 and Block 564, Nanoose District, Plan VIP71158

(the "Property")

[2] The Property is 19.2 ha in area (17.2 ha ALR).

[3] The Property has the civic address 1888 Kaye Road, Nanoose Bay.

[4] The Property is located partially within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA* the Applicants are applying to construct a 12 room dormitory building which includes a meeting/dining area as part of Seven Springs Camp (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:



- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Previous application history
- 4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] The Regional District of Nanaimo (the “RDN”) has resolved to forward the application to the Commission.

[11] The Panel reviewed one previous application involving the Property:

Application ID: 5892
Legacy File: 30801
(Culverden Holdings Ltd., 1996)

To develop a Kids Riding Camp and Rider Training Facility on the 14.3 ha property. There are four existing residences on the property: a covered storage building, nine stables, outbuildings and a maintenance shop. Additional structures include an eating shelter, a cooking shelter, two washroom buildings, moveable covered wagons, two retreats for indoor activities, and a covered



riding arena/play area. The existing main home is to be converted to a home/lodge/administration building. Almost all of the buildings, except the riding arena, are to be constructed within presently treed areas.

The Commission approved the proposal on the grounds that the use is quasi-agricultural in nature and uses land that has modest potential for agricultural development and lies on the edge of the ALR.

The application was approved by ALC Resolution #707/96.

SITE VISIT

[12] On October 17 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[13] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on October 25, 2016 (the "Site Visit Report").

FINDINGS

[14] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.029 for the mapping units encompassing the Property are approximately 10% 2WD, 50% 4P, and 40% 7T.



Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are D (undesirable soil structure), P (stoniness), T (topographic limitations), and W (excess water).

[15] The Panel reviewed the BCLI ratings and find that the Property has good agricultural capability and in its present size, could support a range of crops. In this regard, the Panel finds that the Property is appropriately designated as ALR.

[16] The Panel reviewed the previous application on the Property (ALC Application 5892) and found that the original rationale of the approval was that the proposed use was for an equestrian camp and rider training facility. The Commission found the proposed use to be supportive of the agricultural sector in that feed and agricultural services would be required. The Property currently has a negligible amount agricultural activity and the primary business on the farm is for tourist accommodation. This is contrary to the intent of the original approval as the current use does not directly or indirectly support agriculture.

[17] The Panel is of the opinion that the non-farm uses on a Property should be commensurate, yet ancillary (i.e. is directly related), with the agricultural activities taking place on a farm. In this regard, the Panel believes the current negligible level of agricultural activity on the Property is insufficient to justify the current non-farm uses.

[18] The Panel finds that the Proposal does not preserve agricultural land or encourage farming on agricultural land and is contrary to the purpose of the Commission as outlined in s. 6 of the ALCA.



[19] The Panel notes that the twelve (12) bungalow cabins on the Property were constructed without approval from the Commission and also notes that they are temporary in nature and can be easily removed from the Property. The Panel is amenable to the bungalow cabins remaining on the Property until such a time that they are removed from the Property or destroyed.

DECISION

[20] For the reasons given above, the Panel refuses the Proposal to construct a 12 room dormitory type building which includes a meeting/dining area.

[21] The Panel retroactively approves the twelve (12) bungalow cabins on the Property with the following conditions:

- a. the bungalow cabins remain in their current footprint and location;
- b. any permits required by the RDN for the bungalow cabins be obtained;
- c. no additional non-farm structures may be placed or constructed on the Property without the consent of the Commission; and,
- d. in the event that any of the bungalow cabins are completely destroyed, by whatever means, or are considered by the RDN to be so destroyed, the bungalow cabins can only be replaced as may be permitted by the *ALCA* and regulation in effect at the time. Alternatively, the landowner may make an application for a non-farm use to replace the bungalow cabins should they be destroyed.

[22] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[23] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[24] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.



[25] This decision is recorded as Resolution #439/2016 and is released on December 21, 2016.

CERTIFICATION OF DECISION

A handwritten signature in black ink, consisting of several overlapping loops and a long, sweeping tail that extends downwards and to the left.

Jennifer Dyson, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

January 30, 2017

ALC File: 55410

Rodney Edwards
16178 14A Avenue
Surrey, BC V4A 9R3

Dear Mr. Edwards:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #22/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to s. 33.1 of the *Agricultural Land Commission Act*, the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to s. 33(1) of the *Agricultural Land Commission Act* which provides a person affected the opportunity to submit a request for reconsideration.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

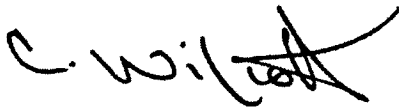
For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Christopher Wilcott at (Christopher.Wilcott@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read "C. Wilcott". The signature is stylized with a large, sweeping flourish at the end.

Christopher Wilcott, MCIP, RPP
Land Use Planner

Enclosure: Reasons for Decision (Resolution #22/2017)

cc: Regional District of Nanaimo (File:PL2016-096) Attention: Stephen Boogaards, Planner

55410d1



AGRICULTURAL LAND COMMISSION FILE 55410

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 21(2) of the *Agricultural Land Commission Act*

Applicants:

**Rodney Edwards
Laurie Kallin
(the "Applicants")**

Agent:

**Rodney Edwards
(the "Agent")**

Application before the Island Regional Panel:

**Jennifer Dyson, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 006-258-671

That Part of Lot 1, District Lot 35, Wellington District, Plan 3225, Lying Southerly of a Line Drawn Parallel to and Perpendicularly Distant 2.645 Chains Northerly from the Southerly Boundary of Said Lot.

(the "Property")

[2] The Property is 4.8 ha in area.

[3] The Property has the civic address 6617 Doumont Road, Nanaimo.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.

[6] Pursuant to s. 21(2) of the ALCA, the Applicants are applying to subdivide the Property as bisected by Doumont Road into two lots of 1 ha and 3.8 ha (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 21(2) of the ALCA

21(2) An owner of agricultural land may apply to the commission to subdivide agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the ALCA. The purposes of the Agricultural Land Commission (the "Commission") set out in s. 6 are as follows:



- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Relevant application history
- 4. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] The Regional District of Nanaimo (the "RDN") Board Policy B1.8 includes a standing resolution for subdivision applications in the ALR 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.

[11] In addition RDN Board Policy B1.8 provides an opportunity for the Agricultural Advisory Committee to review and provide comment on ALR application. At its meeting of August 26,



2016, the Regional District of Nanaimo's (RDN) Agricultural Advisory Committee recommended that the RDN's board that the application "*be forwarded the to the Agricultural Land Commission with a recommendation to not approve the subdivision within the ALR*".

[12] The Panel reviewed three relevant applications relating to the Application:

Application ID: 37847
Legacy File: 24352
(Barr, 1990)

To construct a second dwelling on an 8.5 ha parcel. The Commission noted that the parcel was split by Doumont Road and that the existing dwelling is located west of the road and the second dwelling would be constructed east of the road. The application was approved by ALC Resolution #1147/90.

Note: Application 37847 is directly adjacent to the Property.

Application ID: 495
Legacy File: 28050
(Petschauer, 1993)

To exclude the 17 ha property from the ALR to facilitate subdivision into two lots along Doumont Road. The Commission felt that a portion of the property warranted retention in the ALR. It was noted that the applicant appeared to be eligible for consideration under the ALC's *Homesite Severance Policy*. The application was refused by ALC Resolution #766/93.

Reconsideration Request

The Commission received a request dated October 24, 1993, from the applicant to reconsider Resolution #766/93. The request for reconsideration asked that the Commission consider allowing a subdivision pursuant to the ALC's *Homesite Severance Policy* along Doumont Road. The Commission reviewed the request in light of the original decision and approved the subdivision, subject to the provisions of the *Homesite Severance Policy* by ALC Resolution #256/94.



Note: Application 495 is located in the area to the north of the Property.

Application ID: 2216
Legacy File: 28946
(Skelding, 1994)

To subdivide a 0.8 ha lot from the 4.07 ha property for the purpose of donating it to Vancouver Island Community Services for a small farm project. The application was approved by ALC Resolution #626/94.

Note: Application 2216 is directly adjacent to the Property.

SITE VISIT

[13] On November 16, 2016, the Panel conducted a walk-around site visit in accordance with the *Policy Regarding Site Visits in Applications* (the "Site Visit").

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 22, 2016 (the "Site Visit Report").

FINDINGS

[15] In assessing agricultural capability, the Panel referred in part to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.030 for the mapping units encompassing the Property are approximately 75% (5PA), 20% (3PA), and 5% (7TR).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.



Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are A (moisture deficiency), P (stoniness), R (shallow soil over bedrock and/or bedrock outcroppings, and T (topographic limitations).

[16] The Panel reviewed the BCLI ratings and find the Property has good agricultural capability and in its present size could support a range of agriculture.

[17] The Panel reviewed the RDN staff report and noted that the Proposal is not supported by the Regional Growth Strategy which discourages the subdivision of agricultural land, and will also require a relaxation to the road frontage requirements under the *Local Government Act* as well as possible variances to the RDN's Zoning Bylaw.

[18] The Panel reviewed the relevant subdivision applications listed in paragraph 12 and noted that a significant amount of time has passed since those specific applications were reviewed by the Commission and that they were either approved under the *Homesite Severance Policy* or an agricultural related use.

[19] The Panel finds that the Property is more farmable as a single parcel and that the road is not an impediment to farming the Property as a whole. The Panel feels that the Property is more viable as an agricultural unit, now or in future, in its current configuration and, as such, the Panel is not amenable to subdividing the land as there is no agricultural benefit.

[20] In light of the Panel's reluctance to subdivide, the Panel notes that there are other options to develop a second dwelling on the Property. The options include: a secondary suite in the existing dwelling, and either one manufactured home, up to 9 m in width (double wide), for use by a member of the owner's immediate family, or, accommodation that is constructed above an existing building on the farm and that only has a single level. Please note: the dwelling above an existing building option requires the Property to hold farm status under the *Assessment Act*.



DECISION

[21] For the reasons given above, the Panel refuses the Proposal.

[22] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[23] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[24] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[25] This decision is recorded as Resolution #22/2017 and is released on January 30, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left, positioned above a horizontal line.

Jennifer Dyson, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT

AAC Comment and ALC Decisions – February 2014 to November 25, 2016

AAC has been providing comment on applications to the Provincial ALC in accordance with RDN Board Policy B1-08 *Review of Provincial Agricultural Land Reserve Applications* since February 2014. In that time the AAC has provided comment on 18 applications to the ALC. For information on recent and archived ALC applications and decisions, visit the ALC webpage at <http://www.alc.gov.bc.ca/alc/content/applications-and-decisions/search-for-applications-and-decisions>. The applications, AAC comment and ALC decisions are summarized in the following table:

Application No	Application Type	Agent, Owner	Civic Address , Property Legal	EA	AAC Recommendation	ALC File No	ALC Decision
PL2014-005	Inclusion	C & F Land Resource Consultants Ltd; 0848214 BC LTD	Island Highway, Lot A District Lot 90 and of Block 359 Newcastle District Plan Vip67156	H	None provided	53673	Approved 06/06/2014
PL2014-010	Subdivision	Ken and Shannon Carifelle, and Shirley Daines	2455 Holden Corso Road & 1617 Rugg Road, East 40 Acres Of Section 16, Range 2, Cedar District, Except Part In Plan 29623 And 42171	A	Approval	53680	Refused 04/28/2015
PL2014-013	Subdivision	Donna and Walter Paravicini	531, 533, 539 Parker Road West, Lot 10, District Lot 78, Newcastle District, Plan 2047	G	None provided	53681	Refused 08/31/2015
PL2014-017	Subdivision	Turner Land Surveying; Dennis Paugh	2670 McLean's Road, The East 20 Chains Of Section 7, Range 3, Cranberry District, Except That Part In Plan 36845	C	Approval	54215	Refused 06/03/2016
PL2014-027	Subdivision	Fern Road Consulting Ltd; Maz-Can Investments Ltd.	2729 Parker Road, Lot 3, District Lot 67, Nanoose District, Plan 29941, Except Part In Plan Epp51762	E	Approval	53723	Approved 05/13/2015
PL2014-051	Subdivision	J. E. Anderson & Associates; Steve Vogel	2560 Grafton Ave. & 2555 Tintern Road, Lot 51, District Lot 8, Cameron District, Plan 1981 Except The Westerly 4.96 Chains	F	Approval	53789	Refused 05/07/2015 Reconsider and Refuse 11/14/2016
PL2015-057	Nonfarm Use	John, Allan and Joan Wild	640 Grovehill Road, LOT 9 (DD 51005N), District lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920 AND Plan VIP73941	H	Approval	54288	Approved 11/05/2015
PL2015-160	Subdivision	Wendy Hutbatch	2116 Alberni Highway, Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except Part In Plan 734 RW	F	None provided	55109	Refused 08/25/2016
PL2015-177	Subdivision	Elizabeth Puckering; Howard Fowler	Virginia Road, That Part of Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan 2273	F	None provided	54599	Refused 09/09/2016
*PL2016-034	Subdivision	RDN; Eric and Betty Hodgson,	2070 Akenhead Road, Section 12, Range	A	Approval	54876	Refused

		Sucha Ollek	8, Cranberry District, Except Parcel A				11/21/2016
PL2016-035	Nonfarm Use	Sims and Associates/Fern Road Consulting; Earthbank Resource Systems Ltd.	1330 Hodge's Road, Lot 1, Plan EPP16024 & Lot C, Plan VIP80909	G	Approval	54982	Refused 08/24/2016
PL2016-042	Nonfarm Use	Corinna Kral, Victor Lassam, Doreen Lassam, Tammy Raynor, Shane Lassam	2602 Holden Corso Road, That Part Of Section 17, Range 3, Cedar District, Lying To The West Of The Westerly Boundary Of The West 5 Chains Of The East 60 Acres of Said Section, Except The South 10 Chains of The West 12 Chains of Said Section, And Except Part In Plans 16643, 18872	A	Approval	55086	Refused 08/08/2016
PL2016-064	Nonfarm Use	Arbor Memorial Inc.	2347 & 2419 Cedar Road, Lot A Sections 8, 9 And 10 Range 1 Cedar District Plan Vip76153	A	Approval Area 1 Non Approval Area 2	55251	Approved Area 1 11/21/2016 Refused Area 2 11/21/2016
*PL2016-096	Subdivision	Rodney Edwards & Laurie Kallin	6617 Doumont Road, That Part of Lot 1, District Lot 35, Wellington District, Plan 3225	C	Non Approval	55410	Refused 01/30/2017
*PL2016-097	Nonfarm Use	Culverden Holdings Ltd. / Seven Springs Camp and Retreat Centre	1888 Kaye Rd, Lot 1, District Lot 171 and Block 564, Nanoose District, Plan VIP71158	E	Approval	55354	Refused 12/21/2016
PL2016-151	Exclusion	Mazzoni & Associates Planning; Ezra Cook Holdings Ltd. Inc. No. 458302	7955 Island Highway West, District Lot 14, Newcastle District, Except The Esquimalt And Nanaimo Railway Company Right Of Way As Said Right Of Way Is Shown Coloured Red On DD 4433n	H	Approval	55717	Pending
PL2016-155	Non-Farm Use (Placement of Fill)	Dean Kauwell, Erica Rudischer	2642 Maxey Road, Lot 2, Sections 17, And 18, Range 5, Mountain District, Plan 40319	C	Approval	55804	Pending
PL2016-158	Non-Farm Use	Clarke Gourlay, Morningstar Springs Farm Ltd.	403 Lowry's Road, Lot 2, District Lots 19 & 83, Nanoose District, Plan EPP16024	G	Approval	55827	Pending

**New decisions (three) since last AAC meeting of November 25, 2016.*

TO: Agricultural Advisory Committee **MEETING:** February 17, 2017

FROM: Stephen Boogaards
Planner **FILE:** PL2016-189

SUBJECT: **Request for Comment on Exclusion in the Agricultural Land Reserve**
Application No. PL2016-189
Gene and Gloria Martini
Lot 1, District Lot 139, Nanoose District, Plan 18583
1155 and 1169 Leffler Road - Electoral Area 'F'

SUMMARY

This is an application for exclusion in the Agricultural Land Reserve (ALR) on a (2.8 hectare) parcel located in Electoral Area 'F'. Currently the property contains four dwelling units inconsistent with the ALR regulation and zoning. If the Agricultural Land Commission (ALC) approves the exclusion, the property owner will then be able to take steps necessary to bring the property into compliance with RDN regulations. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the 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 has received an application for exclusion in the ALR from Cox Taylor on behalf of Gene and Gloria Martini. The subject property is legally described as Lot 1, District Lot 139, Nanoose District, Plan 18583 and the civic address is 1155 and 1169 Leffler Road. The subject property is approximately 2.8 hectare in area and is located entirely within the ALR. The parcel is bound by Leffler Road to the east, unconstructed road right-of-ways to the north and west, and other ALR properties. The property currently contains three dwelling units and one incomplete dwelling unit (see Attachments 1, 2 and 3 for Subject Property Map and Aerial Photo and Site Plan).

In 2009 the property owners applied to the ALC to allow for a subdivision within the ALR, to create a 1.1 hectare lot and a 1.6 hectare lot. The application was refused by the ALC (Resolution #235/2009) as the ALC determined the land to be suitable for agriculture and that the proposal would impact agriculture. The applicant also made the subsequent applications for reconsideration which were unsuccessful, including one in 2009 (Resolution 1907/2009) and in 2012 (Resolution #191/2012).

The subject application will be the first application for ALR exclusion submitted by the applicants. If the applicants are successful in excluding the property from the ALR, they will then be able to take steps to bring the property into compliance with RDN regulations. The applicant's intention is to complete the remaining dwelling as a replacement for an older dwelling. Out of the four dwellings currently on the

property, the applicant would like to retain three dwellings on the property. A copy of the applicant's submission package is included in Attachment 9.

AAC members were provided an opportunity to attend the site on January 24, 2017.

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). The Resource Lands and Space designation is intended to accommodate agricultural and primary resource activities (see Attachment 6). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 7 and 8).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as Resource Lands within the ALR pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999" (see Attachment 6). The Official Community Plan (OCP) supports two dwellings per parcel where approval has been received from the ALC and subject to the zoning on the property. Where land is removed from the ALR, the permitted uses will be limited to rural/resource activities. If the applicant was successful in removing the land from the ALR, the existing land uses would not be consistent with the OCP designation. The applicant's submission is to recognize three of the four dwelling units currently on the property. An OCP amendment would be required to recognize three of the dwellings, concurrent with a zoning amendment.

The parcel is also designated within the Fish Habitat Development Permit Area. As one of the buildings is within the surveyed wetland, as identified on the Attachment 3 Site Plan, a development permit will be required as a condition of subsequent RDN approval, which may include building permit, OCP amendment and zoning amendment, dependent on the outcome of the ALR exclusion application. Alternatively, the RDN may seek remedial action in relation to the required development permit. Possible provincial or federal approval will also need to be addressed through the development permit.

ZONING

The parcel is currently zoned Agriculture 1 (A-1), pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (Bylaw 1285) (see Attachments 4 for zoning regulations). The A-1 Zone permits a dwelling unit, farm uses as defined by the *Agricultural Land Commission Act*, accessory residential uses, and accessory farm uses. The applicant currently has three complete dwellings on the property and one incomplete dwelling, which use is inconsistent with the ALC regulations and the A-1 zone. Currently the A-1 zone limits the property to two dwellings, and the ALC requires the second dwelling to be a manufactured home meeting the CSA Z240 standard for a family member. If the exclusion application is successful, the applicant proposes to only retain three out of four dwellings currently on the property. Following the exclusion from the ALR, the applicant would need to successfully change the zoning and amend the OCP to bring the property into compliance with RDN regulations in order to retain three dwelling units on the property as they suggest is their intention. The current land uses are shown on the Site Plan, prepared by JE Anderson and Associates and dated November 16, 2013 (see Attachment 3).

BOARD POLICY AND AAC PROCEDURE

Regional District of Nanaimo “Board Policy B1.8: Review of ALR Applications” 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 resolutions for exclusion of lands within the ALR which reads as follows:

If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.

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 consensus based, 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 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 Review of Provincial Agricultural Land Reserve Applications”, all applications under the *Agriculture Land Commission Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the applicable subject property’s Electoral Area Director, for comment.

With respect to this application, Director Julian Fell has provided the following comments:

The property under discussion (1155 Leffler) lies west of Leffler and south of Ruffels Rd in Errington.

Water courses in Area F are quite variable. Some, such as French Creek, run in canyon-like ravines and others drain broadly across shallow swales. In places these level out into broad wetlands where the water flows almost imperceptibly and even disappears underground only to emerge further downstream and resume flow in distinct stream beds. The transition between

these flows is remarkable. Some catchment areas drain to wetland depressions that flood in winter and dry out in summer, with the water sinking into the ground. Others connect to identifiable creeks that discharge ultimately into Georgia Strait. . Flow rates vary greatly between winter and summer with basic summer flows being essential and critical for salmon nursery creeks, especially aquifer fed flows which are colder than surface flows. The downstream parts of these creeks are, or have been and could be restored to be, nursery areas for salmonid species. The broad, slow-flowing wetland areas that occur upstream store the water that feeds the creeks over the summertime dry period.

Between 2008 and 2013 these were watched warily by DFO (which has jurisdiction over all fisheries in BC) and various stream keeper groups. The position of DFO at that time was anything that can negatively impact fish or fish bearing waters is illegal". DFO enforcers watched and descended (armed) like SWAT teams onto properties where they suspected that water flows are being compromised. In 2013 the Harper government changed that to "must not do significant harm to a commercial species of fish" and the enforcement disappeared.

The property at 1155 Leffler is at the base of the headwater catchment area of Romney Creek, an identified salmon nursery creek, albeit now seriously compromised by culvertization, but being restored. An initial catchment slope to the south of this parcel starts at the Englishman River catchment divide and drains northward and down slope into this property which is part of a broad, flat, slow-flow wetland area. This wetland area used to extend ("downstream") onto further properties then went mostly underground to re-emerge as a spring on the north side of Price Road. This Price Road location has been identified to me by old time residents as being a place where many families obtained water in summer when their wells went dry. It is a year round flow and this must depend on the wetland reservoir upstream which would have included the Martini property. A further wetland occurs below the Price Road emergence and from thereon Romney Creek takes on a typical stream channel form and enters a ravine north of Smithers Road. Highways has since re-routed some of the water off the Martini property but the diverted water rejoins Romney Creek further downstream.

*The Martini property does not really dry out as the upstream headwater catchment continues to feed water to the property year round. To remove the water sufficient to farm would require trenching across neighbour's properties to the north. I doubt if trenching the single Martini parcel by itself would be sufficient. This would require the consent of the neighbours and approvals from wetland and fishery regulatory agencies. I have discussed this with DFO in Comox and they said that any project/works likely to negatively impact (water quality and critical summer flows) of fish or fish bearing waters is **illegal** under federal fishery regulations.*

The Regional District Parks and Trails service considered placing a trail along the Ruffels Road right of way on the north boundary of the Martini property but abandoned the proposal when it was determined that a long bridging and boardwalk structure would be required to clear the water and that fishery issues would be raised.

The reports of soil, engineering and farming professionals are part of this application and speak for themselves so I offer no further comment of these subjects.

The new provincial BC Water Sustainability Act (WSA) includes provisions for the "protection of aquatic environments" by "establishing legally enforceable minimum environmental flows in

each watershed system". This would appear to mirror the DFO strategies. A provincial (MELP) study in 1994 (French Creek Water Allocation Plan) shows that water flow in Romney Creek varies from 476 litres per second in December to almost nothing (less than 7 litres/sec) in July-Sept. The mean annual discharge being 179 l/s. Given the probable role of the Martini property in maintaining summer flows, it would seem to be very unlikely that DFO, and the Province under WSA, would favour disruptions for drainage purposes. Riparian setbacks are specified when a watercourse runs on surface in an identifiable track. There is no specification for a flood path type flow that I am aware of, unless it were regarded as a flood plain of sorts.

All factors considered (water, soil, fishery size etc), I see little justification for expecting this property to be commercially farmable, and it should never have been placed in the ALR.



Stephen Boogaards
sboogaards@rdn.bc.ca
January 25, 2017

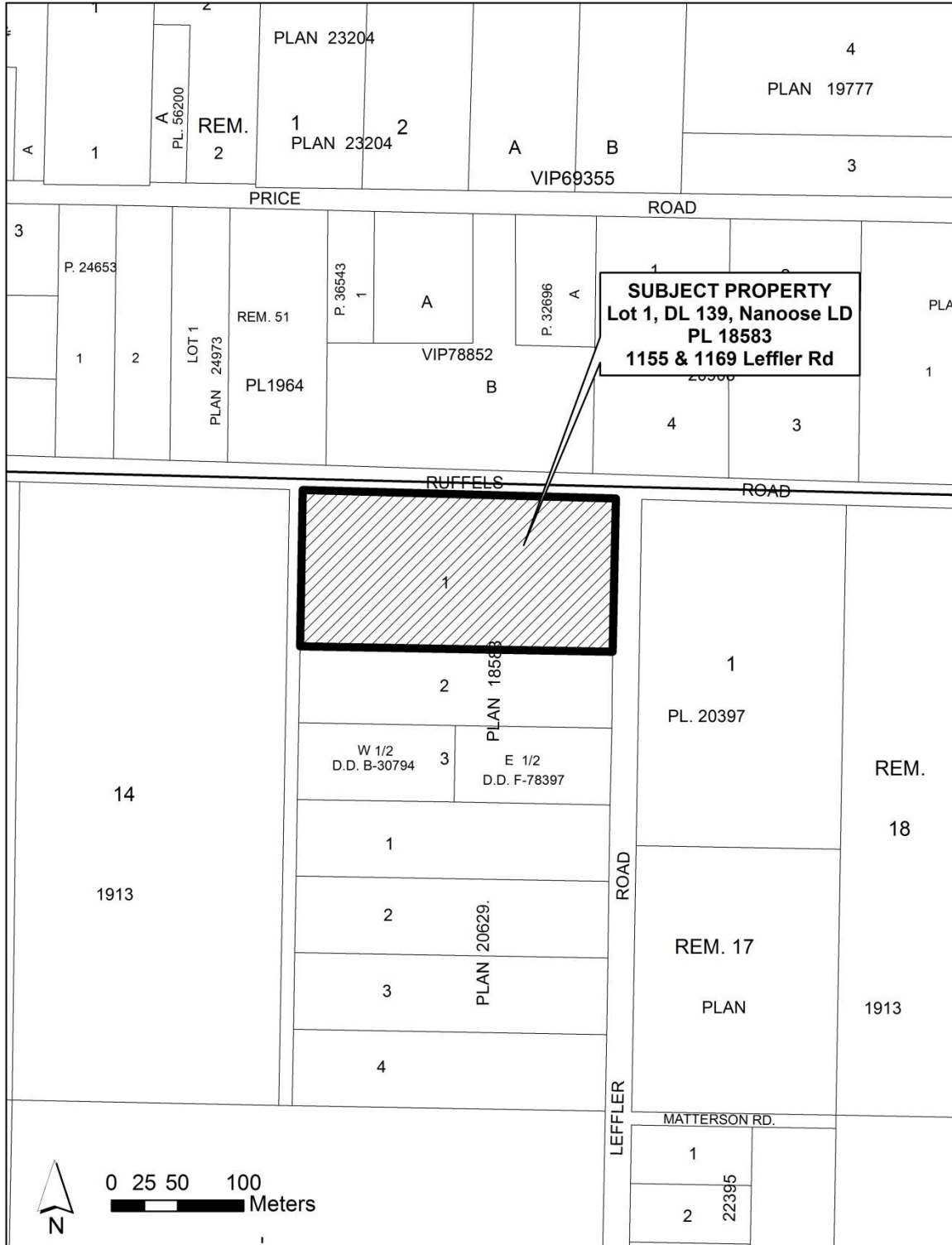
Reviewed by:

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

Attachments

1. Subject Property Map
2. 2012 Aerial Photo
3. Site Plan
4. Existing Zoning
5. Official Community Plan Land Use Designation
6. Regional Growth Strategy Land Use Designation
7. Regional Growth Strategy Goal 7 – Enhance Economic Resiliency
8. Regional Growth Strategy Goal 8 – Food Security
9. Applicant's Submission

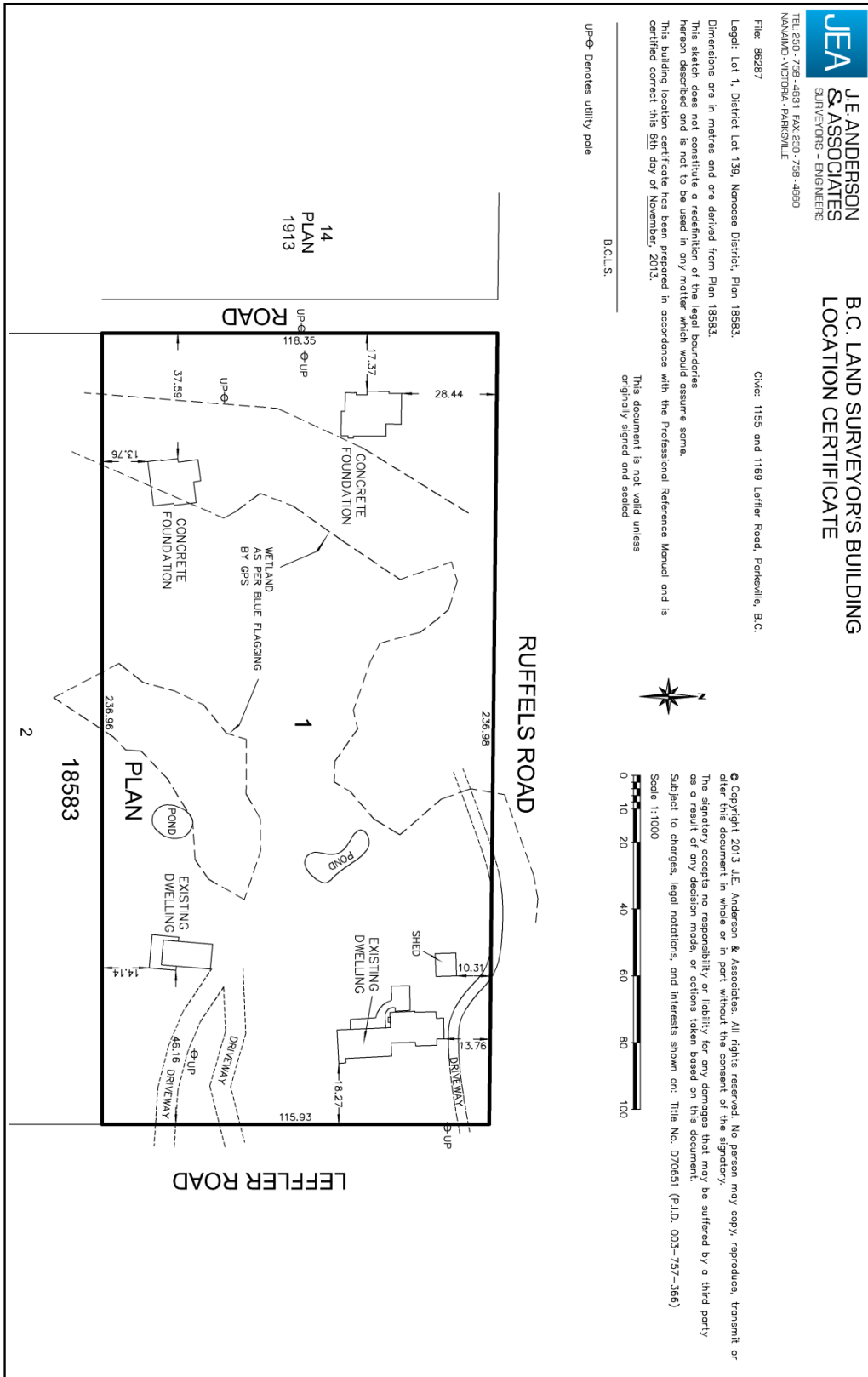
Attachment 1
Subject Property Map



Attachment 2
2012 Aerial Photo



**Attachment 3
 Site Plan**



**Attachment 4
 Existing Zoning (Page 1 of 2)**

A-1 – AGRICULTURE 1	SECTION 4.1 ¹
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4.1.1 Permitted Principal Uses

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

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite²

4.1.3 Permitted Accessory Farm Uses

- a) Agriculture Education and Research
- b) Temporary Sawmill
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from	i) Front and Exterior Side Lot Lines	4.5 metres
	ii) All Other Lot Lines	2.0 metres
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.26, adopted June 28, 2016

² Bylaw No. 1285.19, adopted May 27, 2014

Attachment 4 Existing Zoning (Page 2 of 2)

4.1.5 Regulations

- a) 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 principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) 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 Agricultural Land Commission.

4.1.6 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ¹

¹ Bylaw No. 1285.01, adopted April 13, 2004

Attachment 5 Official Community Plan Land Use Designation

Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999

General Policies

1. Despite the size of current lots in these areas, newly created lots within this designation shall have a minimum permitted parcel size of 2.0 hectares.
2. Permitted uses shall be rural uses, home based businesses, and accessory uses.
3. Residential development shall be permitted at a maximum density of 1 dwelling unit per 1.0 hectare to a maximum of 2 dwelling units per parcel.
4. Additional existing dwelling units may be recognized on certain parcels subject to the conditions outlined in the zoning bylaw and the criteria outlined in this OCP.



Resource Lands

This designation applies to lands that are valued for agriculture, forestry, natural resource extraction or environmental conservation opportunities. This Plan designates as Resource Lands, lands located within the Agricultural Land Reserve, Forest Land Reserve, as well as Crown lands other than lands designated as Park Land. Lands designated Resource Lands are illustrated on Map No. 2.

It is recognized that there is a wide range of home based business activities occurring on ALR lands in Electoral Area 'F'. The Regional District of Nanaimo shall negotiate with the Agricultural Land Commission to obtain a General Order for Electoral Area 'F' to allow for an expanded definition of home based businesses beyond what is normally permitted by the ALC.

Objectives

1. Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
2. Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

General Policies

1. For properties within the ALR or FLR, the regulations and policies of the ALC and FLC apply. These properties may also be subject to other local government bylaws.
2. A 4.0-hectare minimum permitted parcel size for future subdivision shall apply to all lands designated Resource and currently situated in the ALR.
3. A 50.0-hectare minimum permitted lot size for future subdivision shall apply to all lands designated Resource and currently situated in the FLR or Crown lands.
4. Future residential development on Resource Lands shall be limited to one dwelling unit per parcel. Two dwelling units per parcel may be permitted where approval has been received from the ALC or FLC, if necessary, and subject to the zoning on the property.
5. Permitted uses shall be associated with those uses supported by the ALC and FLC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds.
6. Where land is removed from the ALR or FLR, the Resource Lands designation shall remain and the permitted uses shall be limited to rural/resource activities as defined in the OCP and zoning.

Attachment 6

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 7

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 8
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*

(J. Oswald, 2009)

Attachment 8
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 8
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 9
Applicant's Submission**

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55899

Application Status: Under LG Review

Applicant: Gene Martini , Gloria Martini

Agent: Cox Taylor

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 12/23/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion

Proposal: The purpose of the proposal is to exclude the parcel from the Agricultural Land Reserve.

Agent Information

Agent: Cox Taylor

Mailing Address:

26 Bastion Square, 3rd Floor Burnes House

Victoria, BC

V8W 1H9

Canada

Primary Phone: (250) 388-4457

Email: gowda@coxtaylor.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 003-757-366
Legal Description: Lot 1, District Lot 139, Nanoose District, Plan 18583
Parcel Area: 2.8 ha
Civic Address: 1155 Leffler Road, Errington B.C., V0R 1V0
Date of Purchase: 07/30/1975
Farm Classification: No
Owners
 1. **Name:** Gene Martini
Address:
1155 Leffler Road
Errington , BC
V0R 1V0
Canada
Phone: (250) 248-6984
Email: gmartini@shaw.ca
 2. **Name:** Gloria Martini
Address:
1155 Leffler Road
Errington , BC

Applicant: Gene Martini , Gloria Martini

VOR 1V0
Canada
Phone: (250) 248-6984
Email: gmartini@shaw.ca

Current Use of Parcels Under Application

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

No agriculture due to water on parcel.

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

Ditch dug along western boundary of parcel to reduce excess water on parcel. Ditch did not improve water.

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

The parcel is used for rural/residential. There are three residential single family dwellings and one incomplete residential single family dwelling.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Rural/residential, treed, in ALR

East

Land Use Type: Residential

Specify Activity: Rural/residential, in the ALR, barn and horses

South

Land Use Type: Residential

Specify Activity: Rural/residential, in the ALR

West

Land Use Type: Residential

Specify Activity: Rural/residential, in the ALR, treed

Proposal

1. How many hectares are you proposing to exclude?

2.8 ha

2. What is the purpose of the proposal?

The purpose of the proposal is to exclude the parcel from the Agricultural Land Reserve.

3. Explain why you believe that the parcel(s) should be excluded from the ALR.

Please see Schedule "A" attached.

Applicant: Gene Martini , Gloria Martini

Applicant Attachments

- Agent Agreement - Cox Taylor
- Proposal Sketch - 55899
- Other correspondence or file information - Correspondence with ALC
- Professional Report - C&F Land Resource Site Report August 12, 2016
- Other correspondence or file information - Schedule "A"
- Other correspondence or file information - Map
- Other correspondence or file information - Assessment Roll Report
- Professional Report - JE Anderson Drainage Report October 21, 2016
- Other correspondence or file information - Quote 1 regarding fill costs
- Other correspondence or file information - Quote 2 regarding fill costs
- Proof of Signage - 55899
- Other correspondence or file information - Letters of support
- Proof of Serving Notice - 55899
- Proof of Advertising - 55899
- Other correspondence or file information - Notice of Exclusion Application
- Certificate of Title - 003-757-366

ALC Attachments

None.

Decisions

None.

AGENT AUTHORIZATION LETTER

I (we) Gene Martini and Gloria Martini
Printed/typed name(s) of landowner(s)

hereby appoint Isabel Gowda of Cox Taylor to
Printed/typed name of agent


make application to the Agricultural Land Commission as agent on my/our behalf with respect to
the following parcel (s): *Insert legal description for each parcel under application*


Lot 1, District Lot 139, Nanoose District, Plan 18583

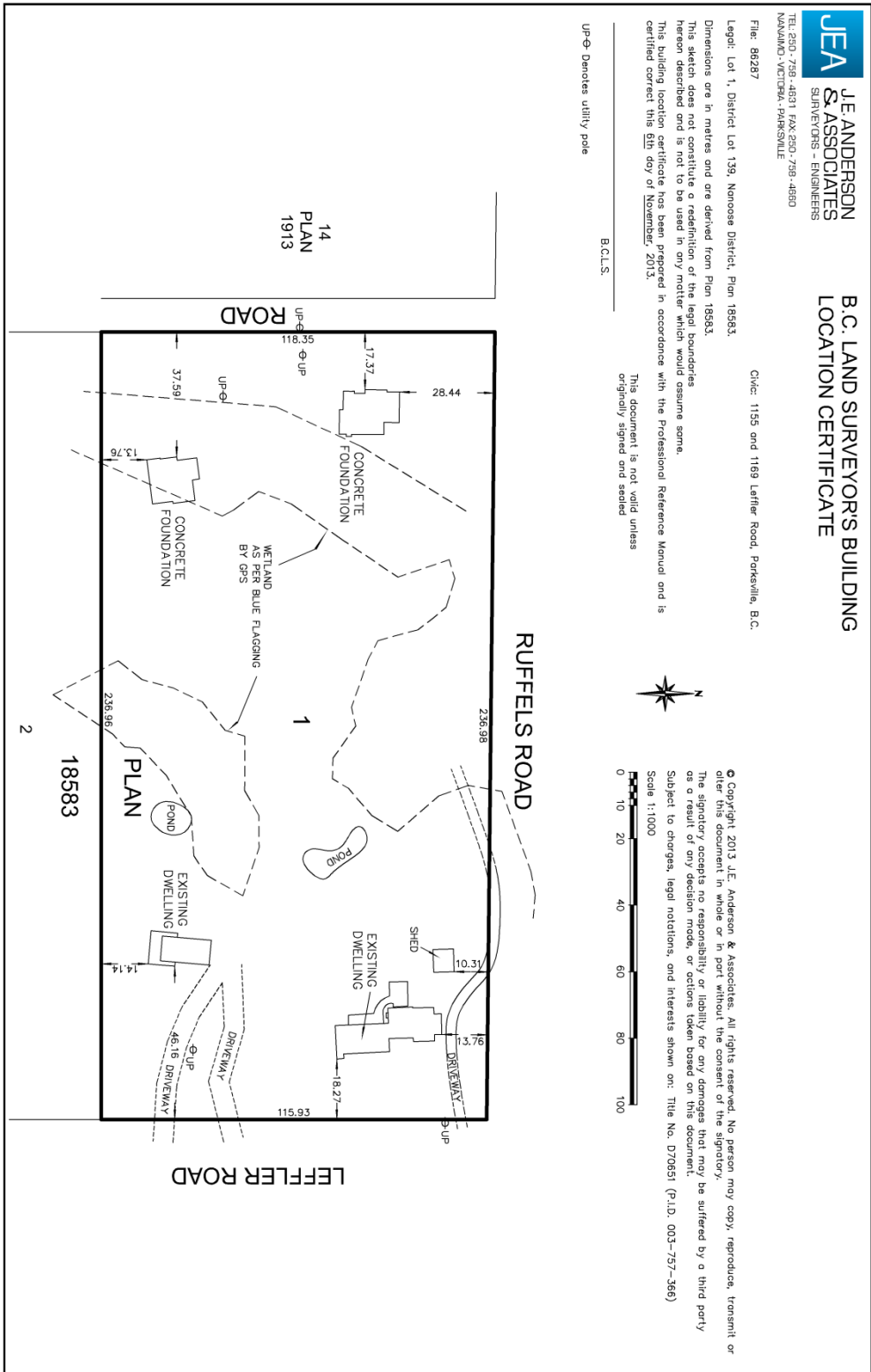
I Isabel Gowda of Cox Taylor understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being
submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

 Gene Martini NOV 4/16
Signature Printed Name Date

 Gloria Martini Nov 4/16
Signature Printed Name Date



TITLE SEARCH PRINT
File Reference: M-1172-1

2016-10-27, 09:04:50
Requestor: Anna Ridley

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

Title Issued Under	SECTION 172 LAND TITLE ACT
Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	D70651 C33714
Application Received	1975-07-30
Application Entered	1975-07-30
Registered Owner in Fee Simple Registered Owner/Mailing Address:	GENE PHILLIP MARTINI, SHEET METAL JOURNEYMAN GLORIA ANN MARTINI, HIS WIFE P O BOX 152 ERRINGTON, BC AS JOINT TENANTS
Taxation Authority	PORT ALBERNI ASSESSMENT AREA
Description of Land Parcel Identifier: Legal Description:	003-757-366 LOT 1, DISTRICT LOT 139, NANOOSE DISTRICT, PLAN 18583
Legal Notations	THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT: SEE AGRICULTURAL LAND RESERVE PLAN NO. 2, DEPOSITED 27, MAY, 1974 BYLAW CONTRAVENTION NOTICE, COMMUNITY CHARTER, SECTION 57 SEE FB469145

TITLE SEARCH PRINT
File Reference: M-1172-1

2016-10-27, 09:04:50
Requestor: Anna Ridley

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 204352G SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature:	MORTGAGE
Registration Number:	FB235322
Registration Date and Time:	2008-12-09 09:56
Registered Owner:	ROYAL BANK OF CANADA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE



EXCLUSION PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

I, Gloria Martini (full name of declarant)
 of Box 152 - 1155 Lettler Rd Ervington BC (mailing address)

do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the *Agricultural Land Reserve Procedure Regulation* for land legally described as

Lot 1, District Lot 139, Nanoose District, Plan 18583

was served to the following owners of land:

NAME AND ADDRESS	LEGAL DESCRIPTION OF LAND	DATE OF SERVICE	HOW SERVED (Registered mail or delivered)
Cathleen Joyce McCabe, General Delivery, Parksville, B.C. V0R 2S0 (1181 Lettler Rd)	PID: 001-590-979, Lot 2, District Lot 139, Nanoose District, Plan 18583	Nov 11 / 16	person
Darcy Paul Paszuck, Box 6891230 Lettler Road, Ervington, B.C. V0R 1V0 (1188 Lettler Rd)	PID: 000-608-611, Lot 1, District Lot 139, Nanoose District, Plan 20397	Nov 10 / 16	Registered Mail
Adrian Vincent Tanner & Doreen Elizabeth Tanner, Box 371, Ervington, B.C. V0R 1V0 (1468 Ruffels Road)	PID: 003-947-998, Lot 14, District Lot 139, Nanoose District, Plan 1913	Nov 10 / 16	person
Gerald Steff & Jillian Florence Steff, Box 408, Ervington, B.C. V0R 1V0 (1381 Ruffels Road)	PID: 003-454-797, Lot 4, District Lot 156, Nanoose District, Plan 20908	Nov 10 / 16	person
James Clifford Hollingworth & Doris Mary Jorgenson, 1440 Price Road, Parksville, B.C. V9P 2C8	PID: 025-289-041, Lot 8, District Lot 156, Nanoose District, Plan VIF78852	Nov 10 / 16	person
Denis Philip Cousineau & Patience Cousineau, 1440 Price Road, Parksville, B.C. V9P 2C8	PID: 006-693-288, Lot 51, District Lot 156, Nanoose District, Plan 1964	Nov 10 / 16	person

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

Gloria Martini
 (Signature of declarant)

Nov 11, 2016
 (Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE *AGRICULTURAL LAND COMMISSION ACT* MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE. Please complete as many copies of this page as necessary.







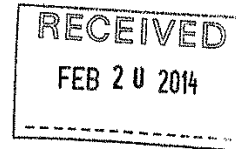


Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 13, 2014

Reply to the attention of Ron MacLeod
ALC File# 49995

Cox Taylor
3rd Floor, 26 Bastion Square
Victoria, BC V8W 1H9



Delivered by Electronic Mail/Original to follow

Attention: Kathleen M. Birney

Dear Ms. Birney

RE: 1155 Leffler Road, Errington, BC. Your file M-1172-1*KMB

I am in receipt of your letters dated January 22, 2014 and February 4, 2014 and am responding accordingly.

At this time the Commission would not entertain any further applications from you client. Your client has received numerous decisions from the Commission through due process. Your clients have deliberately chosen to ignore these decisions and have constructed further dwelling units on the property in contravention of the *Agricultural Land Commission Act* (the "Act") and numerous other Acts and regulations.

As it stands your client has not provided the information I ordered on April 24, 2013. Given your clients have been uncooperative I am obligated to submit a report to the Chief Executive Officer recommending a monetary penalty and removal of the structures from the property. I have started my report however it is not complete. Should your clients wish to cooperate with the order I can defer its submission at this time.

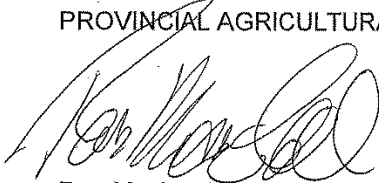
Be advised, I am continuing my investigation in conjunction with the Ministry of Forests, Lands and Natural Resource Operations, where as your client has breached the "*Water Act*", as well as with the Regional District of Nanaimo who has placed a Stop Work Order on the property due to building code and zoning violations. Should you wish to make any further proposals on your client's behalf all agencies would have to be involved and each individual breach addressed.

I would highly recommend you review your clients' applications, reconsiderations and decisions before making any further proposals.

I look forward to your reply.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Ron MacLeod
Agricultural Compliance and Enforcement Officer

CC: Nanaimo Regional District attention: Jack Eubank bylaws department
Ministry of Forests, Lands and Natural Resource Operations attention; Steve Stussi Senior C&E Specialist
Ministry of Forests, Lands and Natural Resource Operations attention; Margaret Henigman, Ecosystems Biologist



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 27, 2015

Reply to the attention of Sharon Henderson
ALC C&E File 49995

Cox Taylor
3rd Floor, 26 Bastion Square
Victoria, BC V8W 1H9

Delivered by Electronic Mail/Original to follow

Attention: Kathleen M. Birney

RE: 1155 Leffler Road, Errington, BC, PID 003-757-366, your file M-1172-1*KMB

Dear Ms. Birney

This letter serves to inform you and the registered landowners of the above Property that the Agricultural Land Commission (the 'Commission') has renewed interest in this file due to evidence of continuing contraventions of the *Agricultural Land Commission Act* (the 'Act'). Specifically, the construction and occupation of additional dwellings on the Property despite the May 17, 2013 letter from former counsel, Katherine Whitfield, in which she states that 'the Martini Family have ceased all work operations pertaining to the new structures on their property while this process is on-going'. The 'process', as stated in the same letter, is 'making further application to the Agricultural Land Commission for the removal of the Martini property from the Agricultural Land Reserve'.

A subsequent letter from you dated January 22, 2014 suggests that, rather than proceed with further application, you would like to meet with the Commission to discuss possibilities of resolution. As a Compliance and Enforcement Officer for the Commission considering the possibility that your clients remain interested in bringing the Property into compliance with the Act, I am willing to meet with you. If you would like to meet with the Commission Chair, Frank Leonard, he is willing to do so along with ALC legal representation.

The February 13, 2014 reply to your letter states that "the Commission would not entertain any further applications from your client". I take this opportunity to correct that letter; an application from your clients will be received and considered according to due process.

Respectfully yours,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to read 'SHARON HENDERSON', is written over a faint, larger version of the signature.

Sharon Henderson
Compliance and Enforcement Officer

cc via email: Nanaimo Regional District: Jack Eubank, Bylaws Enforcement Officer

C&F LAND RESOURCE CONSULTANTS LTD.
4383 Happy Valley Road, Victoria, B.C. V9C 3Z3
(250)474-5072; fax:(250)474-5073; Email: cflrc@shaw.ca

ON SITE REPORT

1155 LEFFLER ROAD, ERRINGTON, B.C.

Prepared for: Mr. Gene Martini

Prepared by: Brian M. French, P.Ag.

Version: Final, August 12, 2016

C&F LAND RESOURCE CONSULTANTS LTD.

*4383 Happy Valley Road, Victoria, B.C. V9C 3Z3
(250)474-5072; fax:(250)474-5073; Email: cfirc@shaw.ca*

August 12, 2016

Mr. Gene Martini
1155 Leffler Road, P.O Box 152
Errington, B.C. V0R 1V0

Dear Mr. Martini:

Re: Assessment of Agricultural Capability for 1155 Leffler Road, Errington, B.C.

1. **INTRODUCTION**

1.1 **Terms of Reference**

You have requested us to carry out a soil survey, agricultural capability and agricultural suitability assessment of the above noted property.

1.2 **Qualifications and Field Protocols**

A soils on site inspection of the subject lands and a review of surrounding lands was carried out on February 24, 2016 and June 17, 2016 and this report summarizes the findings. The fieldwork and reporting was carried out by Brian M. French, P.Ag. an agricultural soil specialist with 38 years of professional experience and fully qualified to carry out soil survey and land capability classification. A resume of experience is included as Appendix A.

This report has been prepared under procedures and guidelines of the Canadian System for Soil Classification, Publication 1646 (1978) and the Land Capability Classification for Agriculture in British Columbia, M.O.E. Manual 1 (April 1983).

Soil conditions were determined by digging a series of test pits exposed with a rubber tired backhoe within the subject lands on February 24, 2016. The pits were dug or exposed to a depth which penetrated the unweathered parent material. A total of three test pits were exposed on the subject property. It should be noted that significant areas of the property were inaccessible on February 24 due to deep standing water. A followup site visit was carried out on June 17, 2016 when the site was finally free of surface water. Three hand exposed soil pits were described in these wet areas.

This report has six sections: Introduction, Location and Land Use, Soils, Agricultural Capability, Agricultural Suitability and Summary of Findings.

2. **Location and Land Use**

2.1 **Subject Property** (See Figure 2.1(a), 1:1,000 scale Air Photo and Subject Lands Location Map and Figure 2.1(b): ALR map).

The subject property is +/-2.77 hectares in area; partially cleared and partially forested.

2.2 **Zoning**

The Regional District of Nanaimo zoning is A-1 and the OCP designation is Resource lands in the ALR. The property is in the ALR.

2.3 **Surrounding Land Use**

North: Vacant forested land, in the ALR;
East: Rural residential hobby farm, in the ALR;
South: Rural Residential, in the ALR;
West: Rural Residential, in the ALR.

2.4 **Subject Property Land Use**

Rural residential use with three occupied residences and one partially completed residence, unoccupied. This property is mainly forested and wetland with clearing around residential footprints. There is no agricultural activity on the parcel except small garden plots in raised beds.

3. **SOILS**

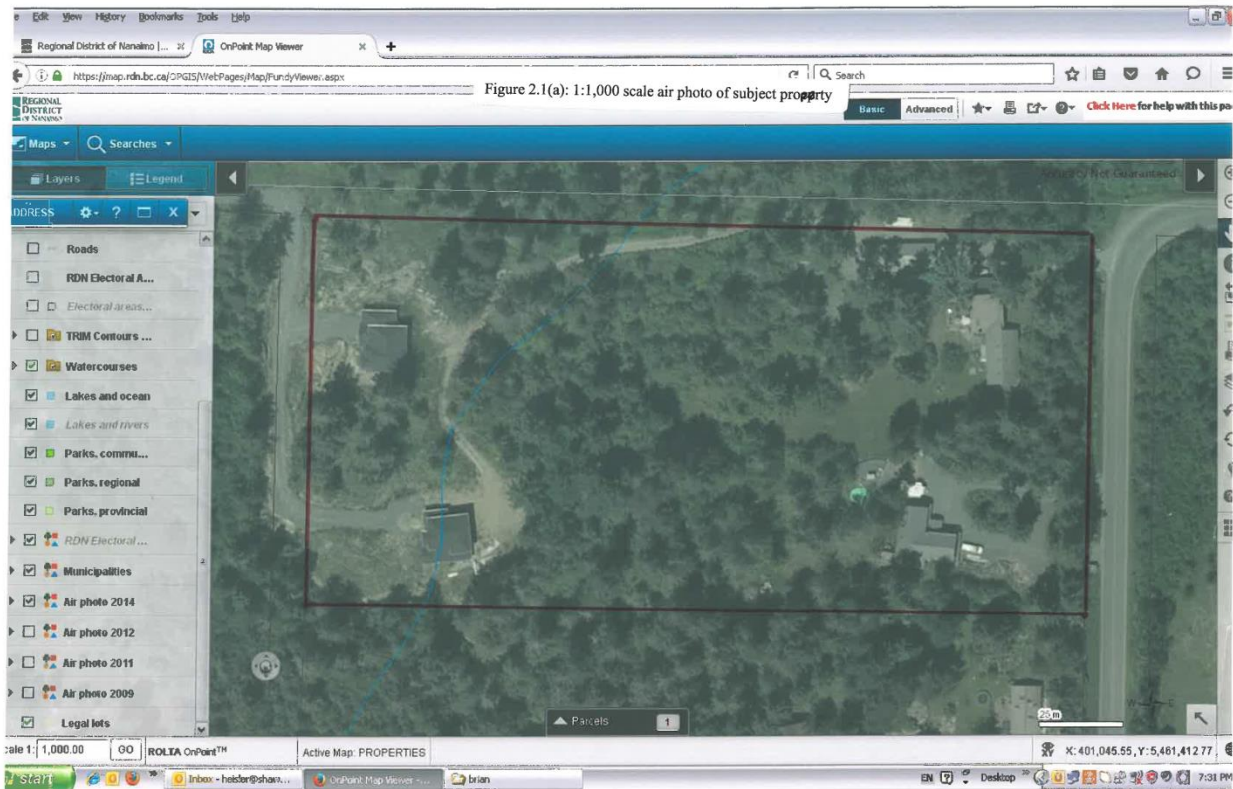
3.1 **Ministry of Environment 1:20,000 Mapping**

The Ministry of Environment 1:20,000 scale mapping on Mapsheet 92F-029 shows Parksville Series on the northwestern 2/3 and a complex of McLean Creek and Mill Bay on the SE 1/3.

Parksville soils are described as being developed on level to depressional marine deposits and are poorly drained with perched water tables. McLean Creek soils are described as being developed from fine marine veneers underlain by moderately to strongly cemented glacial till. Mill Bay soils are described as being developed from fine marine veneer over cemented morainal till.

3.2 **Current On Site Inspection (Figure 3.2)**

Three soil pits were excavated with a rubber tired backhoe on February 24, 2016. Three soil pits in the wet areas were exposed on June 17, 2016. Detailed on site inspection and survey at 1:1,000 scale identified three soil units on the property the subject of this



ALR Property and Map Finder

<http://apps.gov.bc.ca/pub/dmf-viewer/?siteid=7180127263339106301>

ALC Provincial Agricultural Land Commission

Welcome
Instructions on how to search for your property

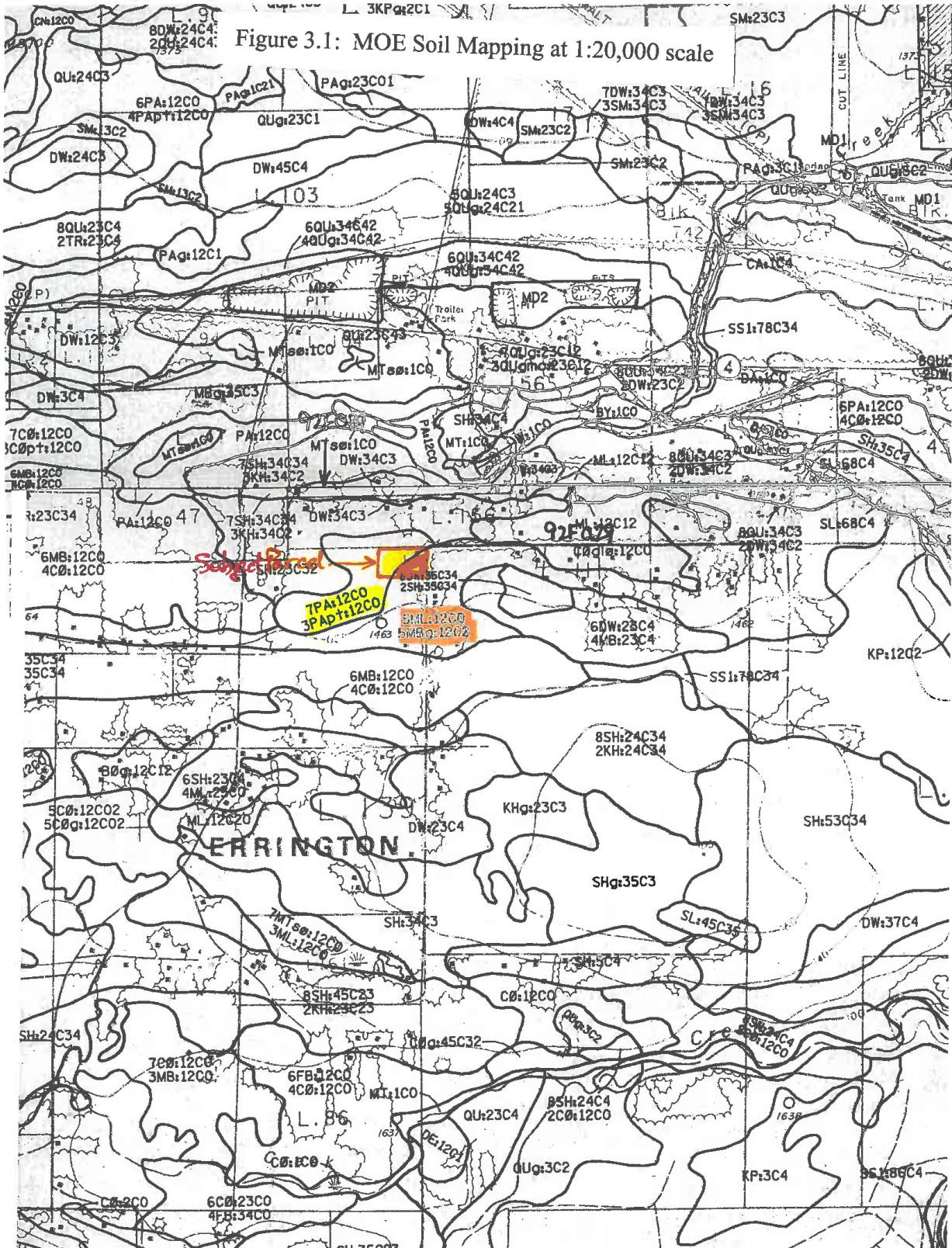
Map Layers
Turn map layers on and off

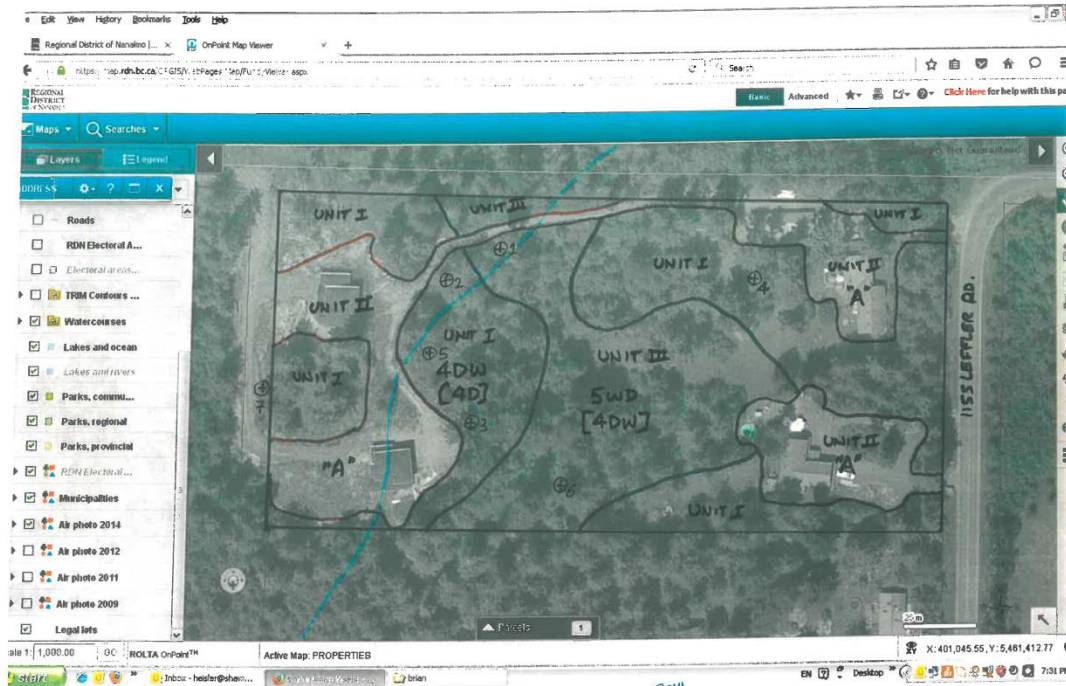
Search by Category

Share Where am I?

School Property
1155 LEFFLER ROAD

Map Report & printer





LEGEND,
Unit boundary ~
Soil Pit ⊕
Soil/Capability Unit: Unit II
Unimproved Ag. Cap.
4DW
Improved Ag. Cap [4D]

2014
SOILS & AGRICULTURAL CAPABILITY MAP
Scale 1:1,000
Figures 3.2, 4.2

report. Field notes are included in Appendix B. Photographs of the soil pits and associated landscapes are included in Appendix C.

3.2.1 Soil Unit I

Unit I occupied +/-1.28ha or 46.2% of the area on the subject lands and was developed from a thin slopewash very fine sand veneer overlying impermeable morainal till subsoil. The surface 15 cm was stone free and at field capacity with granular structure. The underlying 20cm was mottled, massive saturated morainal material which was saturated and had no roots. This was underlain by massive, hard, dry impermeable till with no roots. The topography was slightly elevated above the surrounding wet areas by up to one metre. The vegetation was Douglas Fir with subordinate Western Red Cedar and Alder. Rushes were common on disturbed areas. Soil Pits 2, 3, 5 and 7 were exposed within Unit I.

A typical soil profile was exposed at Soil Pit #3 and was described as follows:

Ah	0 - 15cm	brownish grey very fine sand, no stones; very common roots; granular structure, friable; clear boundary to:
Bg	15 - 35cm	yellowish grey fine sandy loam to silty clay loam, fairly common stones; mottled; massive; saturated; no roots; fairly clear boundary to:
Cg	35 - 60cm	grey sandy loam to silty clay loam, stony; mottled; massive, hard; no roots; clear boundary to:
C	60 - 70cm+	grey sandy loam, massive, stony, hard till, no roots.

3.2.2 Soil Unit II

Unit II occupied +/-0.79ha or 28.5% of the subject area containing dwellings and disturbed or filled areas around the dwellings, shop and roads. No soil descriptions were deemed necessary on these disturbed and non-native soil areas.

3.2.3 Soil Unit III

Unit III occupied +/-0.7 ha or 25.3% of the subject area. Unit III was developed from a thin, very fine sandy slopewash veneer overlying dense silty clay loam marine deposits. The surface 12 cm was saturated and the underlying soils were massive, hard and dry with no roots. The drainage was very poorly drained with a strong perched water table at 12cm depth. The topography was level to slightly depressional with slopes less than 2%. The vegetation was deciduous Alder and Western Red Cedar with hardhack and Salmon Berry understory. Soil Pits 1 and 2 were closely mingled in Unit III with Pit #1 exhibiting the lower elevation sites and Pit #2 representing the slightly elevated sites. Soil pits 4, 5

and 6 represent the lowest lying areas of Soil Unit #3 which remain flooded until late in the year.

A typical soil profile was exposed at Soil Pit # 1 and was described as follows:

LFH	3 - 0cm	Leaf litter and roots; very clear boundary to:
Ah	0 - 12cm	dark brown to black very fine sand, no stones; granular structure; friable; very common roots; saturated; very clear boundary to:
BCg	12 - 45cm+	yellowish grey very fine sand to silty clay loam, no stones; massive, hard; slight mottles; dry; no roots.

The slightly elevated areas typical of Pit #2 was described as follows:

LFH	5 - 0cm	leaf litter and root mat; very clear boundary to:
Bf	0 - 25cm	reddish brown fine to very fine sand; common concretions; very common roots; fairly clear boundary to:
BCg	25 - 45cm	yellowish grey silty clay loam, occasional stones; mottled; massive, hard; no roots; fairly clear boundary to:
C	45 - 70cm	grey silty clay loam; occasional stones; massive, very hard; dry; no roots.

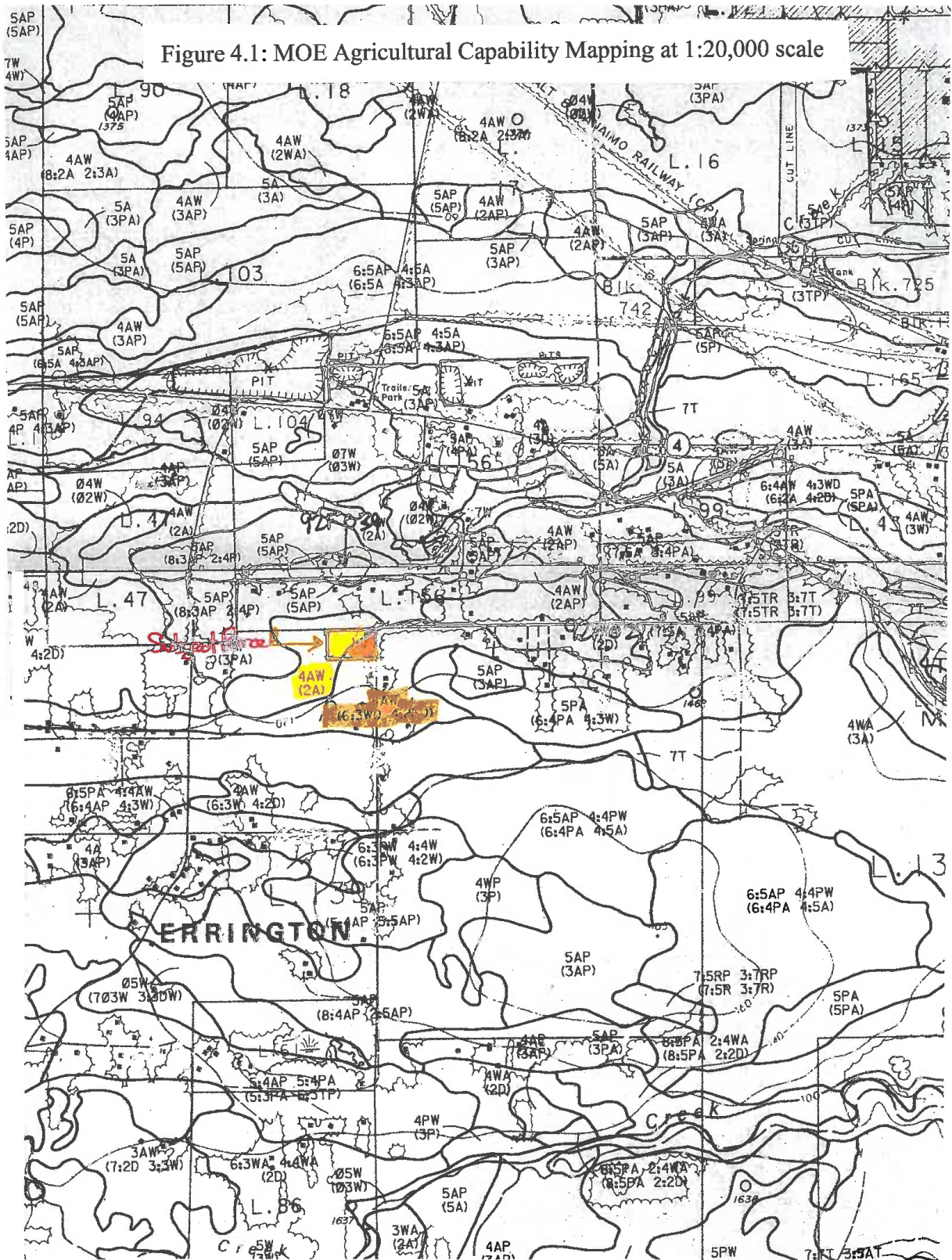
The lowest lying areas typical of Pit #4 was described as follows:

Ah	0 - 10cm	dark grey brown very fine sand, massive structure breaking to fine granular; few roots; clear boundary to:
Cg	10 - 50cm	yellowish grey very fine sand; massive, dense; gleyed; no roots; diffuse boundary to:
C	50 - 60cm+	grey very fine sand; dense, massive, structureless; no roots.

4. Agricultural Capability

4.1 Ministry of Environment Mapping

The MOE 1:20,000 scale mapping for agricultural capability rated the Parksville soil areas as Class 4AW improvable to Class 2A with drainage and irrigation improvements. The McLean Creek - Mill Bay complex was rated as Class 4AW unimproved and 60% Class 3WD - 40% Class 2PD with irrigation and drainage.



4.2 Detailed On Site Interpretation (Figure 4.2)

Unimproved and improved agricultural capability ratings were applied to the soil units identified on the property. Landscape and climate factors were integrated into the ratings. The Ministry of Environment Land Capability Classification for Agriculture in British Columbia (MOE Manual 1) was used to assign ratings. Excerpts of MOE Manual 1 are included in Appendix D.

4.2.1 Unit I

Soil unit I was severely limited by the shallow cultivatable surface horizon and dense, impermeable till subsoils. Soil drainage was severely limited by the impermeable till subsoil and there was inadequate depth of permeable soil to install subsurface drain lines. Surface drainage capacity was moderate due to the slightly elevated landscape position but drainage within the soil profile was severely restricted resulting in saturated surface soil conditions for extended periods with severely restricted rooting depth imposed at 15 to 35cm depth. An unimproved agricultural capability rating of Class 4DW was applied and with a close spaced ditching network, this could possibly be improved to Class 4D. The “D” limitation imposed by the impermeable till subsoil is unimprovable.

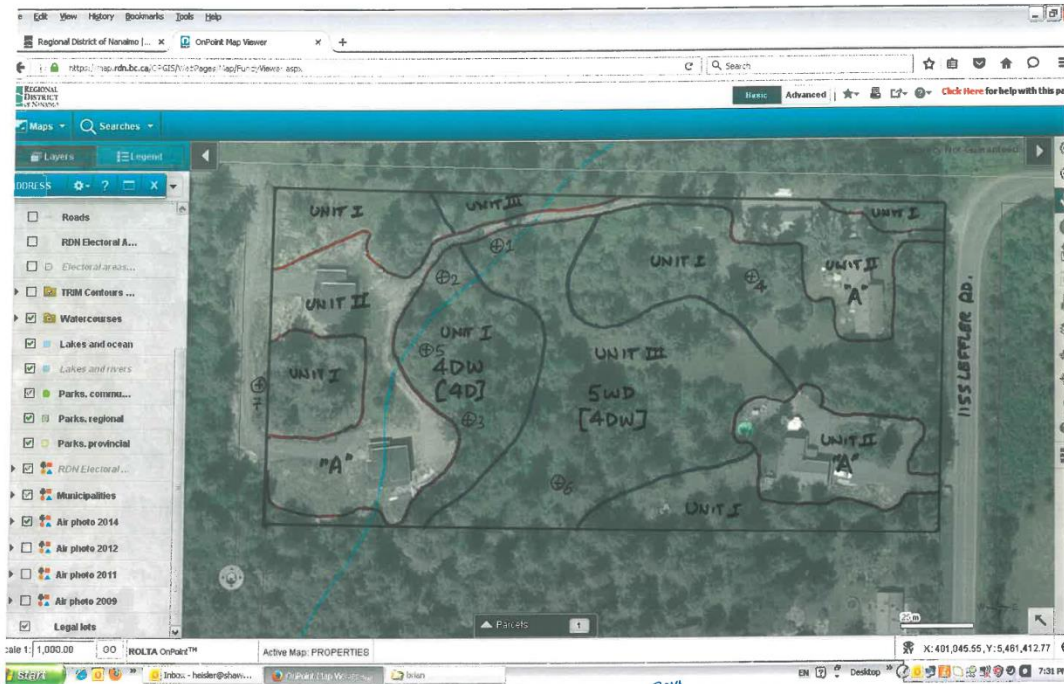
4.2.2 Unit II

Soil Unit II was the area occupied by dwellings, shop, driveways, filled areas and roads on the property. These areas were rated “Anthropic” symbol “A” to designate areas modified by the activities of man to the point where the natural condition could not be returned with on site materials. Soil bound agriculture would be impractical.

4.2.3 Unit III

Soil Unit III was severely limited by the dense, impermeable subsoil conditions rendering improvement by subsurface drainage infrastructure impractical due to the very low hydraulic conductivity. Extensive ditching on close spacing would provide some surface drainage potential but the drainage invert at Leffler Road is inadequate to allow gravity drainage of this unit. Perimeter dyking of the property and pumping over the dyke would be required to maintain surface water control. An unimproved agricultural capability of Class 5WD was applied and the only improvement would be the extensive ditching, dyking and pumping which would allow improvement to Class 4DW. Because of the severely restricted rooting depth and very low hydraulic conductivity in the subsoils, these soils would remain wet for extended periods of the year and be susceptible to soft surface conditions, severely restricted rooting depth and saturation after moderate rainfall events.

4.2.4 Summary of Agricultural Capability



LEGEND,
 Unit boundary ~
 Soil Pit ⊕
 Soil/Capability Unit: Unit II
 Unimproved Ag. Cap. 4DW
 Improved Ag. Cap. [4D]

2014
SOILS + AGRICULTURAL CAPABILITY MAP
 Scale 1:1,000
 FIGURES 3.2, 4.2

The agricultural capability of the property is summarized in the Table below.

AGRICULTURAL CAPABILITY CLASS	UNIMPROVED CAPABILITY (HA)	IMPROVED CAPABILITY (HA)	UNIMPROVED %	IMPROVED %
1	0	0	0	0
2	0	0	0	0
3	0	0	0	0
4	1.28	1.98	46.2	71.3
5	0.70	0	25.3	0
7	0	0	0	0
Anthropic	0.79	0.79	28.5	28.5
TOTAL	2.77	2.77	100	100

4.3 **Comparison of MOE and Current Ratings**

The current ratings applied to this property differ substantially from the MOE ratings. The MOE mapping was carried out at a scale of 1:20,000 where the property would occupy a map area 0.6cm x 1.0cm or 0.6cm² in area. The current mapping was carried out at a scale of 1:1,000, a factor of twenty greater in mapping intensity. This property is in a drainage receiving position in the landscape and receives drainage from a large catchment to the west and south with very limited drainage invert provided by the road drainage ditches. The soil profile descriptions provided in the MOE Technical Report 30 for the Parksville Series do not mention the massive, hard subsoil conditions found on the subject property but do describe impermeable till subsoils at 65cm depth for the Maple Bay and Mill Bay soils. The condition found on the subject property are more severe than those described for McLean Creek and Mill Bay subsoils.

5. **AGRICULTURAL SUITABILITY**

Agricultural suitability is a further interpretation of soil, climate and agricultural capability information to include local conditions as applied to specific crops and non-soil based agricultural uses.

5.1 **Soil Bound Uses**

The suitability for soil bound uses considers growing annual and perennial crops which

are climatically suited to this region in the context of the significant soil based limitations found on the property. Severely restricted drainage and severely restricted rooting depth are the principal limitations to soil bound agriculture.

Annual vegetable crops are not suitable for commercial production on Units I and III due to perennial wet soil conditions and shallow rooting depth. Cultivation in the spring and harvesting in the fall would be severely limited by the wet soil conditions which would render the surface un-trafficable for field equipment. Perennial berry crops such as strawberries and raspberries cannot tolerate wet soil conditions and are considered unsuitable. Blueberries are somewhat tolerant of short term wet soil conditions but will not survive in soils with long term saturation as would be expected on this site. A Blueberry crop would be very susceptible to root rot and other diseases and is considered only very marginally suitable for this site. Field crops such as corn, peas, beans, potatoes, oats, barley and wheat would not be suitable for this site due to the wet soil conditions in the spring and fall which would make timely planting and harvest impractical. A forage crop could be grown on the site but the shallow rooting depth and wet soil conditions would encourage weedy species such as rushes, buttercups and reed canary grass to take over and choke out desirable species in short order. The suitability for forage crop production is low as shown by the photograph in the MOE Technical Report describing McLean Creek Soils which has a heavy infestation of sedges due to the shallow, wet soils.

129
MCLEAN CREEK SOILS (NL)

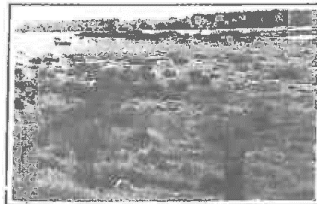


Plate 4.28: MCLEAN CREEK SOIL LANDSCAPE

GENERAL COMMENTS

McLean Creek soils (1818ha) occur between 0 and 130 m above sea level on gently sloping to depressional sites. They are poorly drained and consist of a fine marine veneer overlying a sandy gravelly morainal material. McLean Creek soils have a seasonally perched water table.

Surface horizons are stone free and range in texture from silt loam to silty clay loam. Surface horizons are underlain by moderately to strongly cemented gravelly, sandy loam or loam glacial till with 30-50% coarse fragments. Soils are classified as orthic Humic Gleysols, with lesser occurrences of Orthic Gleysols.

McLean Creeks soils will support a wide range of crops when they are improved by drainage. However, stones and cemented subsoil often to within 50 cm of the surface, can impede installation of internal drainage. The dominant landuse for these soils is hay and pasture. Care must be taken not to work these soils when wet since structural damage including crusting and formation of an impermeable layer may result.

McLean Creek soils are not suited for urban and related uses due to high water tables.

Dairy use would be impractical on this property due to its very limited size and restricted forage production capacity. Other forage based livestock uses such as sheep, goats, dairy replacement heifers and beef cattle would be limited to a very small hobby farm size due to the limited forage production capacity. Sheep are very susceptible to foot rot and would not thrive on this very wet site. The estimated carrying capacity for beef cattle would be two head of cows, five feeder cattle or five dairy replacement heifers. Significant capital expenditure for clearing, ditching, grubbing and fencing would be required.

5.2 **Non-Soil Bound Agricultural Uses**

Non-soil bound agricultural uses include greenhouses, intensive livestock (poultry, hog and feedlot) production, mushroom production and horticultural pot nursery production.

These non-soil bound uses do not depend on growing in the native soil medium but they do require a solid, well drained level surface on which to establish the necessary buildings and infrastructure. Pot nursery production is somewhat more tolerant of non-level sites but still requires a solid, well drained surface for operation of equipment. The area occupied by Units I and III in preparation for farm buildings would need to be filled with structural fill or gravel to raise it above the perched water table and provide a firm, trafficable surface. This would require at least one metre of fill and more in the lowest areas. With a currently undisturbed surface area of +/-20,000m², the granular base fill required would be about 20,000m³ to raise the land to a safe and stable building height.

There are several practical obstacles to establishing any of these non-soil bound uses on this property including: a) the need to destroy the areas identified as wetland, b) the limited total area available for these farm related buildings, c) meeting building setback requirements for mushroom, greenhouse and feedlot uses and d) consideration of impacts on neighboring properties. While all of these uses could theoretically be sited on this property, it is very unlikely that the limited land area available, high cost of site preparation, lack of natural gas service and limited area for manure disposal would mitigate against any rational farmer choosing to carry out this type of non-soil based agricultural development on this site.

6. **SUMMARY AND CONCLUSIONS**

- 6.1 Some 1.98 hectares or 71.5% of the 2.77 hectares on the subject lands have a Class 4 improved capability. The remainder, 0.79 hectares or 28.3% is anthropic.
- 6.2 This property is severely constrained for soil bound agricultural production by impermeable subsoil conditions, excessive off site capture of surface drainage and lack of adequate drainage invert. The rooting depth is restricted to 15 to 35 cm depth with saturated surface horizons for extended periods of the year.
- 6.3 Drainage improvements would be difficult due to the near level topography, impermeable subsoil conditions and restricted drainage invert. Ditching installed on very narrow spacing with dyking to prevent off site drainage water and installation of a pump would provide some surface water drainage but would be very disruptive to any mechanical field operations.

Page -9-

- 6.4 Intensive soil bound cultivation for annual crops would be impractical and result in regular crop failure due to the wet soil conditions. Passive use as pasture would be problematic as undesirable weed species would quickly invade the grass sward. Livestock rearing depending on on-site forage would be marginal due to the very limited land area and expected low quality forage.
- 6.5 Non-soil bound agricultural uses such as greenhouses, mushroom barns, feedlot or pot nursery use would be challenged by the wet soil conditions and would require import of fill and granular base to provide a stable environment for buildings and traffic.
- 6.6 This property is severely restricted in its potential for agricultural use by restricted rooting depth, very poor drainage and its small size. The property has never been cleared for agricultural production in character with many of the surrounding properties which are limited to rural residential use.

C & F LAND RESOURCE CONSULTANTS LTD.

Per:



Brian M. French, P.Ag.

File:\1155 Leffler Report-08-12-2016

Appendix A: Resume of Experience, Brian French, P.Ag.

BRIEF RESUME OF EXPERIENCE

Brian M. French, P.Ag.

Business Address: C&F Land Resource Consultants Ltd.
4383 Happy Valley Road
Victoria, B.C. Canada V9C 3Z3
Tel: (250) 474-5072; Fax: (250) 474-5073
E-mail: cflrc@shaw.ca

Education: B.Sc.(Agriculture) , Honours Soil Science, 1971
Professional Affiliation: Member, B.C. Institute of Agrologists

Professional Experience:

- ◆ 3 years as Staff Agrologist with Agricultural Land Commission responsible for technical support to the Commission and staff, attendance to E.L.U.C. hearings, participated in ALR fine tuning reviews;
- ◆ 4 years as consultant to the Ministry of Lands, Parks and Housing carrying out major reviews of crown land suitability for agricultural leases in Omineca and Cariboo regions;
- ◆ 31 years as a soils and land use consultant with a broad spectrum of clients including the Agricultural Land Commission, provincial government, municipal government, Municipal Insurance Association, R.C.M.P. major crimes unit, utility companies, major corporations and individuals. Projects completed include many individual parcel agricultural capability assessments; comprehensive land use plans (Maple Ridge Rural Land Use Plan for ALC); technical mediation (Six Mile Ranch ALR exclusion issue for Ministry of Agriculture); Utility Corridor issues (B.C. Gas Surrey-Langley 42" pipeline project and many other sewer, water and drainage projects for G.V.R.D., F.V.R.D. and others); forensic soil and land use services (technical assistance to RCMP-Vancouver Police Joint Task Force on Picton pig farm sites in Port Coquitlam); agricultural land infrastructure development for drainage, greenhouse development, irrigation and leveling.
- ◆ Drainage design and supervision including gravel pit and soil dumpsite storm water management plans; agricultural land drainage; urban rain garden soil specification and analysis of water flow in soils.
- ◆ Golf course and sports field development and technical services (design, construction and management for various clients including Vancouver Parks Board, Coquitlam Parks Board, Saanich Parks & Recreation, Oak Bay Parks, Shawnigan Lake School);
- ◆ Aggregate industry development and reclamation services; responsible for exploration, permitting, preparation of plans, monitoring of work, supervision of rehabilitation and closure. Major clients include Lafarge Canada, Fraser Valley

Aggregates, Imperial Paving, Columbia Bitulithic as well as several smaller companies throughout B.C.;

- ◆ Soil and inert industrial landfill services; responsible for permitting, preparation of operating and rehabilitation plans, monitoring of works, reporting and closure. Involved in numerous significant operations;
- ◆ Composting industry services including development of plans to conform to the Organic Matter Recycling Regulation and municipal bylaws; monitoring and closure plans.



Brian French, P.Ag.

March 1, 2016

Appendix B: Field Notes

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Martini Field Notes February 24, 2016

Site inspection was conducted at 1155 Leffler Road in Coombs - Errington in the presence of the property owner, Mr. Gene Martini. A Cat rubber tired backhoe was used to excavate test pits. The weather was sunny and the temperature was 4 degrees Celsius.

Pit 1: Just south of the north access road at the edge of an inundated area. Vegetation was deciduous alder with hardhack understory. The topography was slightly depressional with slopes less than 2%.

- LFH 3 - 0cm Leaf litter and roots; very clear boundary to:
- Ah 0 - 12cm dark brown to black very fine sand, no stones; granular structure; friable; very common roots; saturated; very clear boundary to:
- BCg 12 - 45cm+ yellowish grey very fine sand to silty clay loam, no stones; massive, hard; slight mottles; dry; no roots.

Pit 2: 3 metres west of Pit #1, slightly elevated site; mixed Douglas Fir & alder overstory vegetation, salal and salmon berry understory.

- LFH 5 - 0cm leaf litter and root mat; very clear boundary to:
- Bf 0 - 25cm reddish brown fine to very fine sand; common concretions; very common roots; fairly clear boundary to:
- BCg 25 - 45cm yellowish grey silty clay loam, occasional stones; mottled; massive, hard; no roots; fairly clear boundary to:
- C 45 - 70cm grey silty clay loam; occasional stones; massive, very hard; dry; no roots.

Pit 3: east of road behind two west houses; elevated site; Douglas Fir, subordinate cedar and alder overstory; salmon berry, salal and deer fern understory.

- LFH 5 - 0cm Leaf litter and root mat; very clear boundary to:
- Ah 0 - 15cm brownish grey very fine sand, no stones; very common roots; granular structure, friable; clear boundary to:
- Bg 15 - 35cm yellowish grey fine sandy loam to silty clay loam, fairly common stones; mottled; massive; saturated; no roots; fairly clear boundary to:
- Cg 35 - 60cm grey sandy loam to silty clay loam, stony; mottled; massive, hard; no roots; clear boundary to:

C 60 - 70cm grey sandy loam; massive, hard till; no roots.

Site Inspection June 17, 2016, hand exposed soil pits

Pit #4: west of main house in low lying area

Ah 0 - 10cm dark grey brown very fine sand, massive structure breaking to fine granular; few roots; clear boundary to:

Cg 10 - 50cm yellowish grey very fine sand; massive, dense; gleyed; no roots; diffuse boundary to:

C 50 - 60cm+ grey very fine sand; dense, massive, structureless; no roots.

Pit #5: southeast of house in NW corner, slightly elevated area, sword fern understory, Douglas Fir overstory.

LFH 4 - 0cm surface roots and litter, clear boundary to:

Bf 0 - 40cm reddish brown sandy loam to loamy sand, very common stones; common roots; fairly clear boundary to:

C 40 - 50cm+ grey sandy loam; very dense, hard; impermeable till; no roots.

Pit # 6: near south boundary, low lying area.

Ah 0 - 15cm dark grey brown very fine sand; structureless; very few roots; clear boundary to:

Cg 15 - 50cm yellowish grey very fine sand; dense, structureless; no roots; diffuse boundary to:

C 50 - 55cm+ grey very fine sand; massive, structureless; no roots.

Pit #7: Road ditch profile at west boundary

Ah 0 - 35cm grey sandy loam to loam, very stony; few roots; clear boundary to:

C 35 - 120+ grey sandy loam to loam till, unweathered; massive, hard; no roots.

Appendix C: Photo Plates

PLATE 1: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016

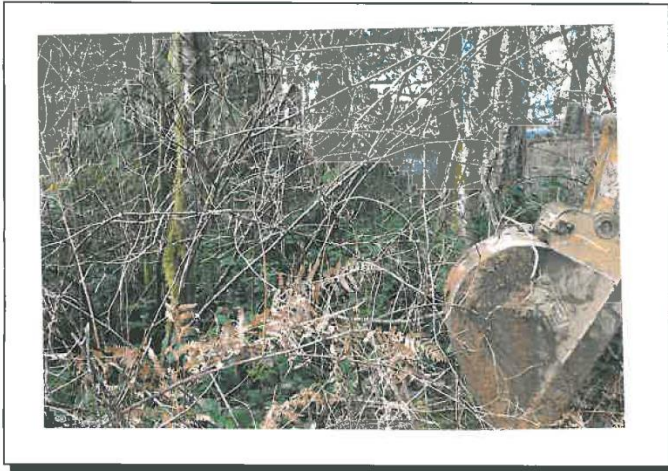


1a) Landscape at Soil Pit #1



1b) Soil Pit #1, 12cm very fine sand over dense SiCL

PLATE 2: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



2(a): Landscape at Soil Pit #2

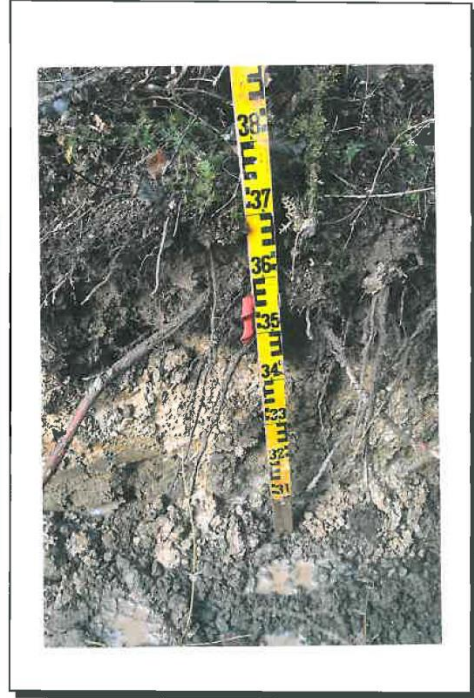


2b): Soil Pit #2, 25cm very fine sand over dense SiCL

PLATE 3: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



3(a): Landscape at Soil Pit #3



3b): Soil Pit #3, 15cm very fine sand over dense SiCL

PLATE 4: 1155 LEFFLER ROAD, ERRINGTON, B.C.: June 17, 2016

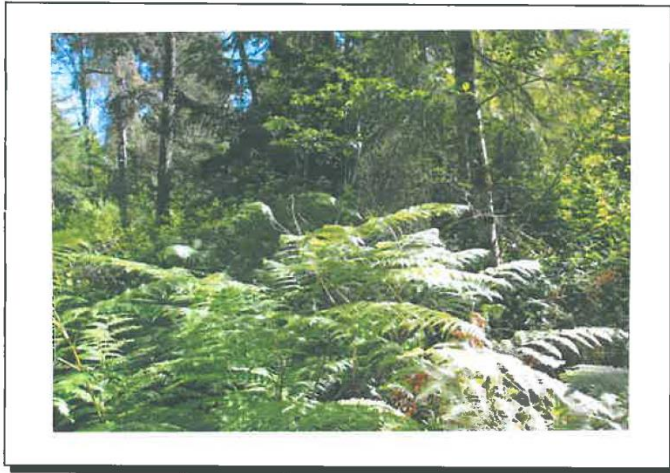


4(a): Landscape at Soil Pit #4



4b): Soil Pit #4, very fine sand, dense

PLATE 5: 1155 LEFFLER ROAD, ERRINGTON, B.C.: June 17, 2016

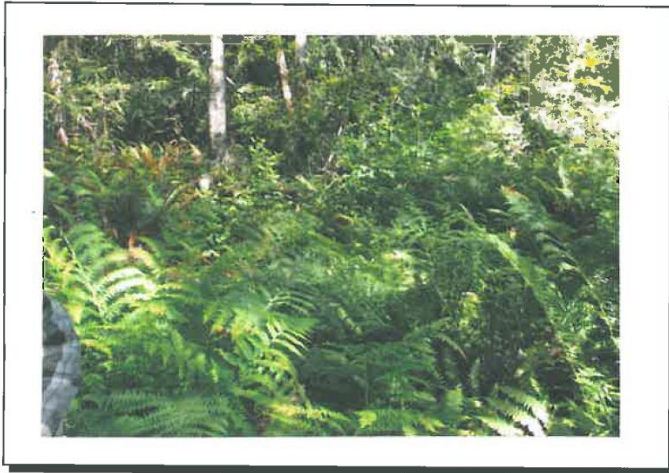


5(a): Landscape at Soil Pit #5



5b): Soil Pit #5, stony sandy loam over hard till

PLATE 6: 1155 LEFFLER ROAD, ERRINGTON, B.C.: June 17, 2016



6(a): Landscape at Soil Pit #6



6b): Soil Pit #6, very fine sand, dense

PLATE 7: 1155 LEFFLER ROAD, ERRINGTON, B.C.: June 17, 2016



7(a): Landscape at Soil Pit #7



7b): Soil Pit #7, hard till profile in ditch at west P/L

PLATE 8: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



8(a): Entrance off Leffler Road looking west



8(b): Looking south on Leffler from driveway



8(c): Looking east on Ruffels Road



8(d): Ditch looking north at entrance



8(e): Ditch at discharge of north property ditch

PLATE 9: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



9(a): ponding area south of north road



9(b): ditch along north property boundary looking west



9(c) north ditch looking east



9(d): Pond and filled area west of main dwelling, looking south



9(e): ponded area



9(f): wet area

PLATE 10: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



10(a): Pond, filled area and second dwelling in SE corner



10(b): Rushes growing on disturbed land



10(c): Till parent material area

PLATE 11: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



11(a): Workshop



11(b): curtilage area around main dwelling



11(c): Main dwelling, looking east

PLATE 12: 1155 LEFFLER ROAD, ERRINGTON, B.C.: February 24, 2016



12(a): Second dwelling in SE corner



12(b): Back yard of second dwelling



12(c): Third dwelling in SW corner



12(d): Fourth dwelling in NW corner

Appendix D: Excerpts from MOE Manual I



**LAND CAPABILITY CLASSIFICATION
FOR AGRICULTURE IN
BRITISH COLUMBIA**

MOE MANUAL 1

**Ministry of Environment
Surveys and Resource Mapping Branch
and
Ministry of Agriculture and Food
Soils Branch**

**Kelowna, British Columbia
April, 1983**

4. LAND CAPABILITY CLASSES FOR MINERAL SOILS

The capability class, the broadest category in the classification, is a grouping of lands that have the same relative degree of limitation or hazard for agricultural use. The intensity of the limitation or hazard becomes progressively greater from Class 1 to Class 7. The seven land capability classes for mineral soils are defined and described as follows.

CLASS 1 LAND IN THIS CLASS EITHER HAS NO OR ONLY VERY SLIGHT LIMITATIONS THAT RESTRICT ITS USE FOR THE PRODUCTION OF COMMON AGRICULTURAL CROPS.

Land in Class 1 is level or nearly level. The soils are deep, well to imperfectly drained under natural conditions, or have good artificial water table control, and hold moisture well. They can be managed and cropped without difficulty. Productivity is easily maintained for a wide range of field crops.

CLASS 2 LAND IN THIS CLASS HAS MINOR LIMITATIONS THAT REQUIRE GOOD ONGOING MANAGEMENT PRACTICES OR SLIGHTLY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 2 has limitations which constitute a continuous minor management problem or may cause lower crop yields or slightly smaller range of crops compared to Class 1 land but which do not pose a threat of crop loss under good management. The soils are deep, hold moisture well and can be managed and cropped with little difficulty.

CLASS 3 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE MODERATELY INTENSIVE MANAGEMENT PRACTICES OR MODERATELY RESTRICT THE RANGE OF CROPS, OR BOTH.

The limitations are more severe than for Class 2 land and management practices are more difficult to apply and maintain. The limitations may restrict the choice of suitable crops or affect one or more of the following practices: timing and ease of tillage, planting and harvesting; and methods of soil conservation.

CLASS 4 LAND IN THIS CLASS HAS LIMITATIONS THAT REQUIRE SPECIAL MANAGEMENT PRACTICES OR SEVERELY RESTRICT THE RANGE OF CROPS, OR BOTH.

Land in Class 4 has limitations which make it suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high, or soil conditions are such that special development and management practices are required. The limitations may seriously affect one or more of the following practices: timing and ease of tillage, planting and harvesting; and methods of soil conservation. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 4 lands are not significant limitations to these crops. (Refer to Chapter 10).

CLASS 5 LAND IN THIS CLASS HAS LIMITATIONS THAT RESTRICT ITS CAPABILITY TO PRODUCING PERENNIAL FORAGE CROPS OR OTHER SPECIALLY ADAPTED CROPS.

Land in Class 5 is generally limited to the production of perennial forage crops and specially adapted crops (crops such as cranberries suited to unique soil conditions not amenable to a wide range of common crops). Productivity of these suited crops may be high. Class 5 lands can be cultivated and some can be used for cultivated field crops provided unusually intensive management is employed and/or the crop is particularly adapted to the conditions peculiar to these lands. Cultivated field crops may be grown on some Class 5 land where adverse climate is the main limitation, but crop failure can be expected under average conditions. Note that in areas which are climatically suitable for growing tree fruits and grapes the limitations of stoniness and/or topography on some Class 5 lands are not significant limitations to these crops. (Refer to Chapter 10).

CLASS 6 LAND IN THIS CLASS IS NONARABLE BUT IS CAPABLE OF PRODUCING NATIVE AND/OR UNCULTIVATED PERENNIAL FORAGE CROPS.

Land in Class 6 provides sustained natural grazing for domestic livestock (i.e. cattle and sheep) and is not arable in its present condition. Land is

placed in this class because of severe climate, or the terrain is unsuitable for cultivation or use of farm machinery, or the soils do not respond to intensive improvement practices. Some unimproved Class 6 lands can be improved by draining, diking and/or irrigation.

CLASS 7 LAND IN THIS CLASS HAS NO CAPABILITY FOR ARABLE CULTURE OR SUSTAINED NATURAL GRAZING.

All classified areas not included in Classes 1 to 6 are placed in this class. Class 7 land may have limitations equivalent to Class 6 land but they do not provide natural forage for sustained grazing by domestic livestock due to climate and resulting unsuited natural vegetation. Also included are rockland, other nonsoil areas, and small water-bodies not shown on the maps. Some unimproved Class 7 lands can be improved by draining, diking and/or irrigation.

<u>AWSC (upper 50 cm)</u>	<u>Definitive Soil Texture</u>	<u>Best Improved Rating</u>
>60 mm	sandy loam or finer	1
45-60 mm	loamy sand to coarse sandy loam	2A
25-44 mm	sand to coarse loamy sand	3A
10-24 mm	very gravelly sand	5A
<10 mm	gravel	no improvement

Adverse climate (C): This subclass is used on a subregional or local basis and is derived from 1:100 000 scale "Climatic Capability for Agriculture" maps (see "Thermal Limitations" pg. 43). It indicates thermal limitations to agricultural capability including the adverse affect on plant growth during the growing season by minimum temperatures near freezing and/or insufficient heat units, and/or, extreme minimum winter temperatures which injure or kill dormant or near dormant fruit trees.

Improvement of adverse climate due to thermal limitations is not considered practical. The Improved Rating is equivalent to the Unimproved Rating.

Undesirable soil structure and/or low perviousness (D): This subclass is used for soils difficult to till, requiring special management for seedbed preparation and soils with trafficability problems for common farm implements. Also included are soils which have insufficient aeration, absorb and distribute water slowly, or have the depth of rooting zone restricted by conditions other than wetness (high water table) or consolidated bedrock or permafrost.

The guidelines suggested for class designations are based on texture, structure, consistence, permeability (hydraulic conductivity of disturbed samples in the laboratory) and depth to root restricting layer. These restricting layers may include clay enriched horizons, compact soil parent materials, cemented horizons, horizons with massive structure, or horizons with weak structure and firm to very firm consistency. Soils with good tilth in the upper 25 cm may be rated one class better than the guidelines indicate. Tilth

is the physical condition of soil as related to its ease of tillage, fitness as a seedbed, and impedance to seedling emergence and root penetration:

CLASS 1: A root restricting layer does not occur within 75 cm of the mineral soil surface, and the upper 25 cm has a non-sticky wet consistence and a texture usually coarser than silty clay loam, and permeability is usually greater than 1.0 cm/hr in the upper 100 cm.

CLASS 2D: A root restricting layer occurs within 50 to 75 cm of the mineral soil surface, or the upper 25 cm has a slightly sticky wet consistence and usually has a texture of silty clay loam, clay loam or sandy clay, or the slowest permeability is usually 0.5 to 1.0 cm/hr in the upper 100 cm.

CLASS 3D: A root restricting layer occurs within 25 to 50 cm of the mineral soil surface, or the upper 25 cm has a sticky wet consistence and usually has a texture of silty clay or clay, or the slowest permeability is usually 0.15 to 0.5 cm/hr in the upper 100 cm.

CLASS 4D: A root restricting layer occurs within 25 cm of the mineral soil surface, or the upper 25 cm has a very sticky wet consistence and usually has a texture of heavy clay, or the slowest permeability is usually less than 0.15 cm/hr in the upper 100 cm.

13.14 m
hr

Some features of undesirable soil structure and/or low perviousness are improvable to varying degrees (amelioration of soil texture, deep ploughing or blading to break-up root restricting layers); others, such as strongly cemented horizons, are not. The Improved Rating for this subclass, if indicated, should be determined on the basis of past experience with improving comparable soils. If such experience is not available no improvement is assumed and the Improved Rating is equivalent to the Unimproved Rating.

CLASS 6N: Soils are too salty for cultivated crops but support specially adapted, native salt-tolerant plant species, some of which are suitable for grazing by domestic livestock.

CLASS 7N: Soils are too salty for cultivated crops and do not support native plants suitable for grazing or soils which support poisonous plants which cannot be removed with feasible management practices.

There are different reasons for, and types of, salinity problems. Improvement practices and their success in alleviating limitations due to salinity vary depending on site and soil conditions. The Improved Rating for this subclass, if indicated, should be determined on the basis of past experience with improving comparable soils. If such experience is not available no improvement is assumed and the Improved Rating is equivalent to the Unimproved Rating.

Stoniness (P): This subclass applies to soils with sufficient coarse fragments* to significantly hinder tillage, planting, and/or harvesting operations. The suggested guidelines for class designation are based on the sieved proportion of "coarse gravels" (2.5 to 7.5 cm diameter), cobbles (7.5 to 25 cm diameter) and stones (>25 cm diameter) of the total soil in the upper 25 cm of mineral soil.

CLASS 1 : Total coarse fragment content (2.5 cm diameter or larger) offers no or very slight hindrance to cultivation. Total coarse fragment content is 5% or less with cobbles and stones occupying 0.01% or less of the sieved soil.

* In this case coarse fragments refer to "coarse gravels" plus cobbles plus stones, i.e. fragments 2.5 cm diameter or larger.

- CLASS 2P: Total coarse fragment content (2.5 cm diameter or larger) offers only slight hindrance to cultivation. Total coarse fragment content is 6 to 10% or cobbles and stones occupy 0.01 to 1% of the sieved soil.
- CLASS 3P: Total coarse fragment content (2.5 cm diameter or larger) causes significant interference with cultivation. Total coarse fragment content is 11 to 20% or cobbles and stones occupy 2 to 5% of the sieved soil.
- CLASS 4P: Total coarse fragment content (2.5 cm diameter or larger) is a serious handicap to cultivation. Total coarse fragment content is 21 to 40% or cobbles and stones occupy 6 to 15% of the sieved soil. Note that in areas which are climatically suitable for growing tree fruits and grapes, a CLASS 4 level stoniness limitation may not be a significant limitation to these crops. (Refer to Chapter 10).
- CLASS 5P: Sufficient coarse fragments (2.5 cm diameter or larger) are present to prevent sustained cultivation until considerable picking has been done. Total coarse fragment content is 41 to 60% or cobbles and stones occupy 16 to 30% of the sieved soil. Note that in areas which are climatically suitable for growing tree fruits and grapes, a CLASS 5 level Stoniness limitation may not be a significant limitation to these crops. (Refer to Chapter 10).
- CLASS 6P: Coarse fragments (2.5 cm diameter or larger) are sufficiently numerous to make impractical the application of improvement practices. Total coarse fragment content is 61 to 90% or cobbles and stones occupy 31 to 80% of the sieved soil. The land in its present condition provides sustained natural grazing for domestic livestock.
- CLASS 7P: Coarse fragments (2.5 cm diameter or larger) prevent agricultural

CLASS 4T: Simple slopes varying from 16 to 20% or complex slopes varying from 11 to 15%. Note that in areas which are climatically suitable for growing tree fruits and grapes, a CLASS 4 level Topography limitation may not be considered a significant limitation to these crops. (Refer to Chapter 10).

CLASS 5T: Simple slopes varying from 21 to 30% or complex slopes varying from 16 to 30%. Note that in areas which are climatically suitable for growing tree fruits and grapes, a CLASS 5 level Topography limitation may not be considered a significant limitation to these crops. (Refer to Chapter 10).

CLASS 6T: Slopes, either simple or complex, varying from 31 to 60% and the land in its present condition provides sustained natural grazing for domestic livestock.

CLASS 7T: Slopes, either simple or complex, greater than 30%. The land in its present condition is not useable for either arable agriculture or sustained natural grazing by domestic livestock.

Improvement of topographic limitations is considered impractical. The Improved Rating is equivalent to the Unimproved Rating.

Excess water (W): This subclass applies to soils for which excess free water, other than from inundation (flooding), limits their use for agriculture. The excess water occurs because of imperfect to very poor drainage due to high water tables, seepage, or runoff from surrounding areas. The following guidelines for class designation are suggested.

CLASS 1 : Crop damage due to excess water is not a factor.

CLASS 2W: Occasional occurrence of excess water during the growing period causing slight crop damage, or the occurrence of excess water during

the winter months adversely affecting deep rooted perennial crops. Water level is rarely, if ever, at the surface and excess water is within the upper 50 cm for only short periods (less than 2 weeks) during the year.

- CLASS 3W: Occasional occurrence of excess water during the growing period causing minor crop damage, but no crop loss, or the occurrence of excess water during the winter months adversely affecting perennial crops. Water level is near the soil surface until mid-spring forcing late seeding, or the soil is poorly and in some cases imperfectly drained, or the water level is less than 20 cm below the soil surface for a continuous maximum period of 7 days during the growing period.
- CLASS 4W: Frequent or continuous occurrence of excess water during the growing period causing moderate crop damage and occasional crop loss. Water level is near the soil surface during most of the winter and/or until late spring preventing seeding in some years, or the soil is very poorly drained.
- CLASS 5W: Frequent or continuous occurrence of excess water during the growing period making the land suitable for only perennial forage crops, and/or improved pasture. Water level is near the soil surface until early summer, or the maximum period the water level is less than 20 cm below the soil surface is 6 weeks during the growing period, or the soil is very poorly drained, commonly with shallow organic surface layers. Effective grazing period is longer than 10 weeks.
- CLASS 6W: Continuous occurrence of excess water during the growing season with an effective natural grazing period of 5 to 10 weeks. The water level is at or above the soil surface except for a short period in mid-summer.

CLASS 7W: Under water most of the growing season; not useable for agriculture.

Water control (ditching or tiling) will generally improve this limitation by at least one class depending on landscape position, and source and type of excess water. The Improved Rating should be assessed on a site specific basis, using regional experience from comparable soils in the area which have been improved. Note that lands with Unimproved Ratings of 6W or 7W can sometimes be improved by draining.

Permafrost (Z): The presence of a cryic (permanently frozen) layer is a severe limitation to agricultural production. In addition to maintaining undesirable cold soil temperatures, drainage problems are complicated when permafrost is present in the upper 150 cm. If permafrost occurs below 150 cm depth from the soil surface, and its depth is unaffected by cultivation, it poses a less severe limitation to agricultural production than it would if it occurred above 150 cm. Because of limited experience regarding the effect of this limitation on agricultural use, partial guidelines for permafrost conditions are suggested as follows.

CLASS 4Z: Permafrost occurs below 150 cm from the soil surface during the growing season and does not interfere with crop production.

CLASS 6Z: Permafrost occurs within 150 cm of the soil surface during the growing season. The land in its present condition provides sustained natural grazing for domestic livestock.

CLASS 7Z: Permafrost occurs within 150 cm of the soil surface during the growing season. The land in its present condition is not useable for either arable agriculture or sustained natural grazing by domestic livestock.

Improvement of permafrost conditions is assumed impractical. The Improved Rating is equivalent to the Unimproved Rating.

Schedule “A”

Introduction

1. The Martinis make this application to the Agricultural Land Commission (“ALC”) for permission to have their parcel, having a civic address of 1155 Leffler Road, Errington, B.C. and a legal description of Lot 1, District Lot 139, Nanoose District, Plan 18583 (the “Property”), excluded from the Agricultural Land Reserve (“ALR”) pursuant to Section 30(1) of the *Agricultural Land Commission Act* (the “Act”).
2. The Property is 2.77 hectares in area and is within Zone 1 of the ALR.
3. The following support this application:
 - a. A title search of the Property;
 - b. An Assessment Roll Report of the Property;
 - c. A plan of the Property;
 - d. A quote from Addy Excavating dated May 3, 2016;
 - e. A quote from Caveman Construction & Aggregates Ltd. dated August 26, 2016;
 - f. A report from C&F Land Resource Consultants Ltd. dated August 12, 2016 (the “C&F Report”); and
 - g. A report from J.E. Anderson & Associates dated October 21, 2016 (the “JE Anderson Report”).
 - h. Letters from the ALC dated February 13, 2014 and October 27, 2015.
4. The Property is not used for agricultural purposes or designated “Farm Class” by BC Assessment. It is currently used and taxed as residential property.
5. The Martinis confirm that they want a meeting with the Commission to provide further submissions with respect to their application pursuant to Section 30 of the Act.

Excess Water Limitations

6. As a result of the surrounding topography, water from the neighbouring properties drains onto the Property.
7. The Property is flat so the water does not naturally collect in one area. As a result, the majority of the Property is wet.
8. The Property is too wet to be capable of being used for agricultural purposes.
9. The water prevents both soil and non-soil bound agricultural practices.

10. Non-soil bound uses would require the import of fill over a large area. The Martinis obtained two quotes for the cost of fill; both quotes were in excess of \$500,000.
11. The import of fill would not only require permission from the ALC, but such widespread fill is contrary to the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
12. Even if it were practical to fill the Property, the Martinis cannot lawfully alter the flow of water such that excess water drains onto adjacent lands.
13. There is no evidence that the water issues on the Property will resolve. As a result of the topography, it is reasonable to infer that this Property will continue to have the same water issues in the foreseeable future.
14. The Martinis have discussed the Property's excess water issues with qualified experts.
15. The JE Anderson Report concludes that: (1) the Property would be difficult and expensive to drain, that (2) increasing drainage of water off the Property will impact downstream drainage flows and increase erosion, and that (3) there is no practical or reasonable drainage solution for the Property.
16. Proper agricultural management practices cannot alleviate the excess water limitations.

Agricultural Capability Ratings

17. The C&F Report conducted an onsite soil inspection. As a result, the Report determined different agricultural capability ratings than the MOE ratings. The Report found that 71% of the Property has a Class 4 improved capability and that the remainder is anthropic.
18. The C&F Report is evidence that the BCLI ratings are inaccurate.
19. The C&F Report concluded that the rooting depth is extremely restricted, there are impermeable subsoil conditions and the soil surface is saturated for extended periods of the year.

Surrounding Land

20. The Property is not in an area at risk for encroaching non-farm development. It is not necessary or reasonable to retain the Property in the ALR to act as a buffer.
21. Exclusion will not alter the character of the neighborhood. The application will not impact existing or potential agricultural use of the surrounding lands.

Previous Applications

22. This Property has been the subject of a previous application for subdivision pursuant to Section 21(2) in July of 2009. The proposal was a subdivision of the Property into two lots, a 1.1 hectare lot and a 1.6 hectare lot. The application was refused by the ALC pursuant to Resolution #235/2009. The Martinis made several applications for reconsideration, which involved amending their proposal to subdivide the Property into two lots, a 0.77 hectare lot and a 2.0 hectare lot. These were not successful.
23. This Property has not previously been the subject of an exclusion application. This application is not substantially the same as previous applications.
24. Significant time has passed since the last application to the ALC. This is because the Martinis ceased developing an application for exclusion in 2013 as a result of a letter dated February 13, 2014 from Ron MacLeod, Agricultural Compliance and Enforcement Officer which states that the ALC will not entertain any further applications from the Martinis for this Property.
25. It was not until more than a year and a half later that the ALC sent a letter dated October 27, 2015, which corrected Mr. MacLeod's previous letter and confirmed that the ALC would receive and consider, according to due process, further applications from the Martinis.
26. The Martinis then had to restart the process to bring an application for exclusion of the Property.
27. This delay has cost the Martinis significant time and money. The application fee alone has nearly doubled from what it was in 2013. Under these circumstances it would be appropriate for the ALC to return to the Martinis the balance of the fees paid that are greater than the prescribed fee from 2013.

History of Agricultural Use

28. The Martinis have owned the Property since 1975.
29. The Property was designated "Farm Class" for about 2 years during the late 70s. At that time, the Martinis were attempting to raise meat birds, chickens for eggs, and hogs. This endeavour was unsuccessful due to the land being too wet and muddy. When the hogs were shot, they got stuck in the mud and had to be lifted out by a crane before the butcher could take them away.
30. For a brief time, the Martinis had a horse on the Property for their daughter. A fence was required to create an enclosure for the horse. The fence was constructed, but the ground was so wet that the fence frequently collapsed, resulting in the horse having to be removed from the Property.

History of Agricultural Management Practices to Alleviate Excess Water

31. In about 2009, the Martinis hired Addy Excavating to construct a ditch along the western boundary of the Property in an attempt to limit the flow of water onto the Property from the neighbouring land to the west and to help drain the water on the Property.
32. It was the intention to direct water to a ditch along Ruffels Road, which runs east west along the northern boundary of the Property. This ditch is not on land owned or controlled by the Martinis.
33. The Martinis were required to seek permission for the construction of the ditch from neighbouring land owners, who may be affected by the re-direction of the flow of water, and the Crown, which controls the ditch along Ruffels Road.
34. Permissions were obtained and the ditch was constructed.
35. The ditch has made no impact to the water levels on the Property. It is ineffective.

Conclusion

36. The ALC will consider this application within the context of Section 6 of the Act:

Purposes of the commission

6. The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest;
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

37. The Property is not capable of being farmed or used as agricultural land.
38. The drainage solutions considered in the JE Anderson Report requires collecting the water and directing it off of the Property. The Martinis cannot lawfully direct water from their Property onto other land without permissions from the affected landowners. These landowners are not required to accept water from the Property or to provide permission.
39. Drainage of the excess water is not possible.
40. The Martinis cannot use their Property for any agricultural purpose.

41. This Property is not agricultural land, and it does not need to be preserved. Therefore, it does not serve a purpose within the ALR.
42. Removing the Property from the ALR will not negatively impact agricultural use of adjacent lands.
43. The Martinis want to maintain the status quo of the neighbourhood and will continue the rural residential use of the Property and to seek the necessary approvals from the Regional District of Nanaimo (the “RDN”).
44. The Martinis acknowledge that the ALC and the RDN allege that there are more houses on the Property than are permitted under the zoning bylaws and the Act. Currently there are four houses on the property, three are complete and one is incomplete. Two of these houses are lawful non-conforming. The completion of the fourth house, which is intended to replace the original settlor house, is subject to the resolution of these issues with the RDN and with the ALC depending on the outcome of this application. The Martinis hope to retain three houses on their Property.
45. The Martinis will consider granting a covenant pursuant to Section 219 of the *Land Title Act* to prevent the construction of any additional houses.

Assessment Roll Report

Disclaimer

This information is obtained from various sources and is determined as of the specific dates set out in the Assessment Act. As a result, BC Assessment cannot warrant that it is current or accurate, and provides it for your convenience only. Use of this information without verification from original sources is at your own risk.

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Report Date:	Oct 27, 2016	Report Time:	09:12:46 AM
Folio:	M-1172-1	For:	PW84139
Roll Year:	2016	Roll Number:	10176.000
Area:	04	Jurisdiction:	769
School District:	69		
Neighbourhood:	950 - COOMBS, ERRINGTON, HILLIERS		
Property Address:	1155 LEFFLER RD ERRINGTON BC		
Owner Name:	GLORIA A MARTINI/GENE P MARTINI	# of Owners:	2
Owner Address:	PO BOX 152 ERRINGTON BC V0R 1V0		
Document No:	D0000H777M		
PID:	003-757-366		
Legal Description:	Lot 1, Plan VIP18583, District Lot 139, Nanoose Land District		

2016 Value

Property Class	Land	Improvement	
Residential	\$249000	\$916000	
			Total Actual Value: \$1165000

2015 Value

Property Class	Land	Improvement	
Residential	\$274000	\$885000	
			Total Actual Value: \$1159000

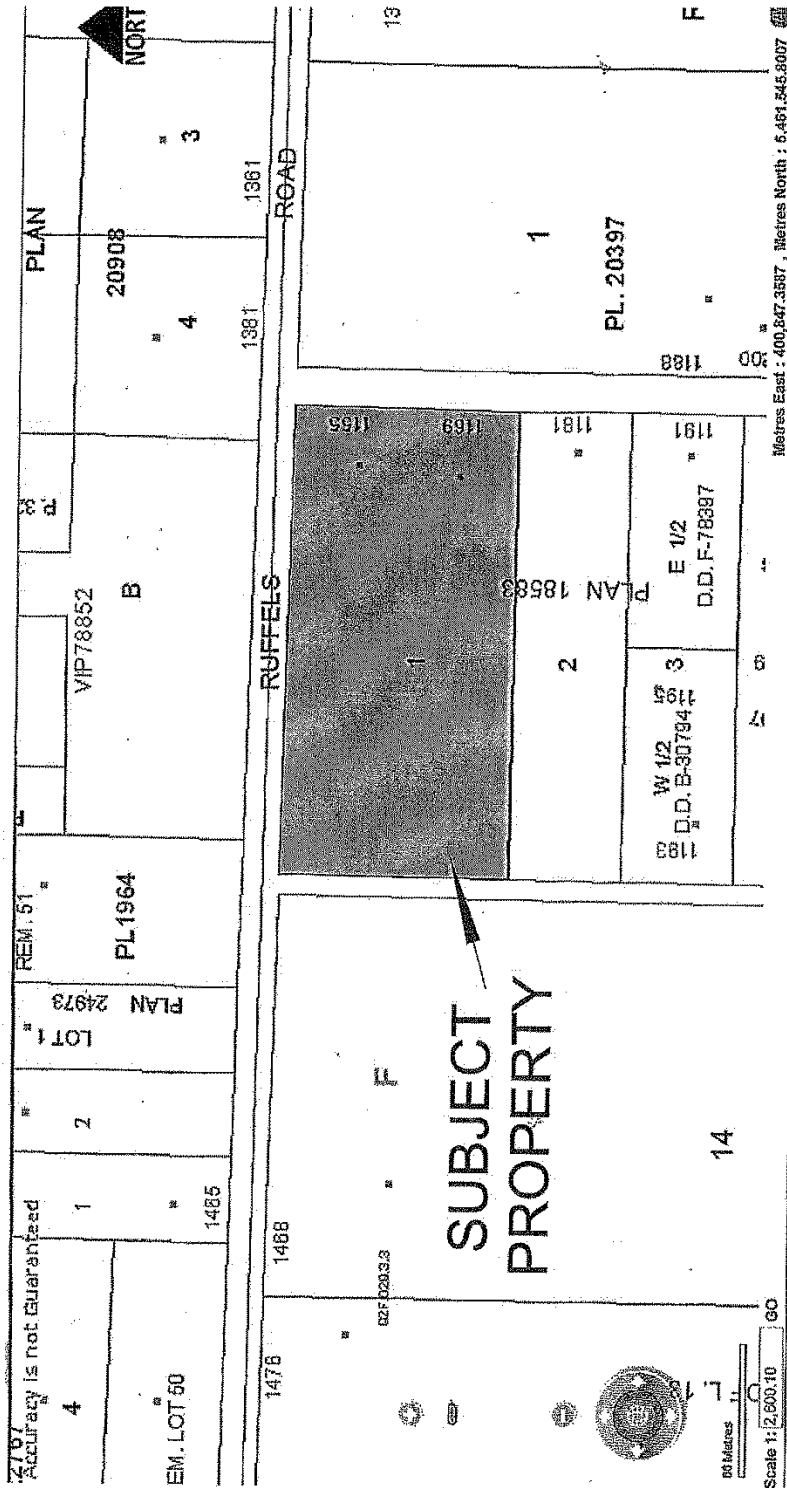
2014 Value

Property Class	Land	Improvement	
Residential	\$230000	\$762000	
			Total Actual Value: \$992000

Manual Class: 0145 - 1 Sty Sfd - New Standard
Actual Use: 060 - 2 Acres Or More (Single Family Dwelling, Duplex)
Tenure: 01 - Crown-Granted
ALR: 1 - All Alr - Subject To Restrictions
Land Dimension: 6.85 **Land Dimension Type:** Acres

Sales:	Number	Description
	#1	A SINGLE PROPERTY, IMPROVED SALE occurred on 15 Jul 1975. This was a CASH sale and the price was 42,000. The document # was D70651.
	#2	A SINGLE PROPERTY, IMPROVED SALE occurred on 15 Jul 1974. This was a NON-CASH sale and the price was 40,000. The document # was C93559.
	#3	A SINGLE PROPERTY, IMPROVED SALE occurred on 15 Jan 1974. This was a CASH sale and the price was 32,000. The document # was C33714.

Additional Owners: No Additional Owners **Associated PIDs:**



LEGAL SURVEYS
MUNICIPAL ENGINEERING
LAND DEVELOPMENT AND MANAGEMENT



October 21, 2016

JEA File No. 86287

Gene and Gloria Martini
1155 Leffler Road
PO Box 152
Errington, BC V0R 1V0

Attention: Gene and Gloria Martini

**RE: Drainage and Ditching at 1155 Ruffels Road, Errington
Regional District of Nanaimo**

On May 8, 2013, we reviewed 1155 Ruffels Road and downstream along Ruffels Road with respect to drainage and ditching of the site. The review was carried out by Jim Buchanan, P. Eng. Jim is a Professional Engineer with 30 years of experience in drainage and storm water management.

Related reports prepared by others for this site are:

- Wetland Assessment on Lot 1, DL 139, Nanoose District, Plan 18583 dated July 4, 2013 prepared by EDI Environmental Dynamics. A copy of this report is provided in Appendix A.
- Assessment of Agriculture Capacity for 1155 Ruffels Road dated August 12, 2016, prepared by C&F Land Resource Consultants Ltd

1.0 EXISTING DRAINAGE

The 2.8 hectare site is located at the west side of the Leffler Road / Ruffels Road intersection. A topographic survey with spot elevations indicates that the area is flat, particularly at the north side of the property. The difference in elevation between the invert of the existing culvert at the northwest corner of the site and a point in the Leffler Road ditch at the northeast corner of the site is 0.2 metres in 237 metres (approximately 0.085%).

Discussions with Gene Martini indicate that the site is wet, and generally drains from west to east toward the Leffler Road ditch. Gene Martini advised that several properties surrounding the subject property have directed their drainage onto his property. Some ditches have been dug to drain flows

1A - 3411 Shenton Road
Nanaimo, BC V9T 2H1
Phone 250-758-4631
Fax 250-758-4660

4212 Glanford Avenue
Victoria, BC V8Z 4B7
Phone 250-727-2214
Fax 250-727-3395

170 Morison Ave, PO Box 247
Parksville, BC V9P 2G4
Phone 250-248-5755
Fax 250-248-6199

WWW.JEANDERSON.COM

86287
1155 Ruffels Road, Errington
October 21, 2016



onto low points around the property perimeter. Gene Martini advised that during the winter, the Leffler Road ditch backs up into the ditch in the Ruffles Road right of way. Based on the survey elevations, we expect that during wet winter weather, the water backs up all the way to the culverts at the northwest corner of the site. During the winter the ground on the property will tend to be wet and saturated.

The difference between this lot and other lots in the area is that the subject lot is located in a bowl rather than on a slope, and off site drainage backs up and is stored on the lot.

The site is at the upper extent of Romney Creek, which flows through Parksville, and Morningstar Creek which flows to the Georgia Strait by French Creek. The natural ponding of drainage on site limits peak downstream flows, and contributes to longer flowing, more natural creek flows.

Additional descriptions of the site are provided in the EDI Environmental Dynamics report and C&F Land Resources Consultants Ltd. report.

2.0 DRAINING ON THE LOT FOR AGRICULTURE

From an engineering point of view, the water table on site can be lowered, and the area drained via an on-site network of deep ditches, however there are negative consequences as indicated in the EDI Environmental Dynamics report and below.

The depth of draining is limited by the following drainage constraints:

1. Ditching at a very narrow spacing would help drain the lot, but the soil is so shallow that it would be slow to drain. A ditch grid at 50m on center would require about 1200m of ditches. A sketch showing a 50m grid overlaid on the survey plan is attached. Due to the variable topography, the ditches would be deep in areas, and the ground is hard. Ditches at this spacing would also interfere with agricultural use. Assuming a cost of \$50 per metre of ditch, including clearing, 1200 metres of ditch would cost \$60,000, with additional costs for access culverts and fencing.
2. A dyke to stop backup of off-site water along with a pump to pump out the on-site water would not be cost and environmentally effective given the relatively small lot and the disturbance required. It may also be difficult to control water leaking back through a dyke and having to be re-pumped. A berm would also take up some space that would not be used for agriculture. We do not have enough information at this time to determine where a berm and pump system would be located.
3. Perforated underground drains could be installed rather than ditches (or combination), but costs and maintenance would increase. Perforated drains could be installed at similar locations to the ditches. The perforated drains would flow to the MoTI ditches beyond the property.
4. Other options such as filling the lot would be cost prohibitive.

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1155 Ruffels Road, Errington
October 21, 2016



Negative consequences to draining the lot are as follows:

- The low flows to Romney Creek will be reduced as less rainfall will be stored on the lot for slow release to the creek.
- Peak flows in Romney Creek will increase as drainage will flow off the lot more quickly and in greater volume, rather than being stored on the lot. This is particularly the case as the property is close to the headwaters of the creek. Erosion rates will increase as the creek will flow faster more frequently.
- See EDI Environmental Dynamics report for additional comments.
- MoE (Ministry of Environment) may have an issue with the ditching of the property, and the benefits of draining the property should be considered relative to the loss to the environment.

3.0 DOWNSTREAM DRAINAGE IMPROVEMENTS

The drainage could be improved and the water table lowered further by lowering the culverts and deepening the ditch on Leffler Road downstream of the site. The extent would have to be confirmed via additional downstream ditch surveys. The additional ditching network may eliminate some ponding on site by speeding up the rainfall runoff rate from this lot and surrounding lots. There will be concerns and difficulties with this approach and we recommend that any issues be resolved with MoTI and MoE before the start of additional on lot or downstream ditching. Some of the issues are as follows:

1. MoTI (Ministry of Transportation and Infrastructure BC) is responsible for the roads and drainage in the RDN, and permission would be required to work on their right of ways. MoTI may not be willing to lower the existing ditch and culverts on Leffler Road. The ditch is already deeper and has steeper side slopes in areas than normal standards. In addition, the normal longitudinal slope on a roadside ditch is 0.5%, and the effect of lowering the culverts and ditch will be to reduce ditch slopes that are probably already less than 0.5%. Further, the ditching will increase the peak flow rate, and may affect downstream drainage systems and properties. Future ditch maintenance may also be an issue.
2. The costs of downstream ditching will be prohibitive, and the lot owner is not responsible for downstream drainage improvements.
3. MoE may have issues as indicated in Section 2.

3.0 CONCLUSION

This site would be difficult and expensive to drain for agricultural use.

There are benefits to Romney Creek and probably Morningstar Creek and downstream properties in maintaining existing drainage patterns and allowing drainage to pond on the lot. Improving drainage

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and reducing ponding on site will increase the drainage volume and rate and will impact downstream drainage flows and increase erosion.

The cost of a network of ditches or underground drainage, or filling the lot will be prohibitive.

From a Drainage Engineering perspective, the property should not be drained for agricultural purposes. There is no practical or reasonable drainage solution.

We trust that this letter is as you require at this time. If you have any questions, please call.

Yours truly,
J. E. Anderson and Associates




Jim Buchanan, P. Eng.

JB/dlk

cc: Jeff Tomlinson, JEA
Dave Wallace, JEA

86287
1155 Ruffels Road, Errington
October 21, 2016



APPENDIX A
EDI ENVIRONMENTAL DYNAMICS INC. REPORT



208A – 2520 Bowen Road
Nanaimo, BC V9T 3L3
P: (250) 751-9070 • F: (250) 751-9068

July 4, 2013

Gloria and Gene Martini
Box 152
Errington, BC V0R 1V0

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583

This letter has been prepared to provide a summary of environmental considerations regarding a watercourse that is located within the above referenced property (subject property). The purpose of the summary is to provide information about its ecological characteristics and the regulatory implications of modifying the watercourse and adjacent riparian areas. It is my understanding that this summary is needed to accompany your application to remove the subject property from the Agricultural Land Reserve (ALR).

Background

The watercourse on the subject property was previously characterized by me several years ago. I visited the subject property on May 1 and May 14, 2008 to assess the watercourse and flag the high water mark with blue ribbon. The flagging was subsequently surveyed by JE Anderson & Associates to accurately locate the watercourse boundary. I provided an email that summarized my preliminary findings and I later provided a more detailed letter (dated August 6, 2009).

Important information resulting from these assessments and contained in the August 2009 letter include:

- Online mapping indicated that there is a stream within the subject property that was shown to be the upper extent of Romney Creek.
- Romney Creek converged with Carey Creek and flowed to the sea at Parksville.
- It was unknown if Romney Creek was fish bearing as detailed fish and fish habitat information was not readily available for Romney Creek; however, portions of the stream were likely to be fish bearing.
- There was no stream channel within the subject property. The watercourse was actually an extensive wetland feature that floods a substantial portion of the property as well as adjacent properties.
- While online maps showed that Romney Creek flowed northeast from the subject property (towards Price Road), the flow path from the subject property was not confirmed due to private property trespass concerns and it was not known if this upper portion of Romney Creek was accurately mapped.
- No fish were observed within the wetland but fish presence was considered to be possible. More detailed assessment would be required to conclusively determine fish absence.

PRINCE GEORGE • VANCOUVER • NANAIMO • GRANDE PRAIRIE • WHITEHORSE
www.edynamics.com

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583
July 4, 2013



- Due to provincial and federal regulations, the wetland was a significant potential constraint to future development within the subject property.

At your request, I visited the site again on May 1, 2013 to assess the current conditions of the wetland and document drainage patterns within and downstream of the subject property. The section below describes the results of that assessment.

Assessment Results

Based on photographs and field observations, the wetland can be generally described as follows:

- An extensive, seasonally flooded, shallow, forested wetland.
- Much of the wetland consists of saturated soils and shallow pools that are only wetted during the wettest periods of the year.
- Several lobes of the wetland have deeper pools and visible flow.
- Pooled water areas range in depth from very shallow up to approximately 0.5 m.
- Saturated soils and hydrophilic vegetation are typical throughout the wetland boundaries.
- Some small, higher elevation 'islands' occur within the wetland boundaries.
- Portions of the wetland with visible surface flow indicate that surface water generally drains north to south.
- While some sections of the wetland have visible flow, there were no stream channels observed (no defined banks, alluvial substrates and other typical stream channel indicators).

During the May 1, 2013 site visit, I was able to confirm that the wetland is part of the headwaters of Romney Creek, but does not connect to Romney Creek in the location shown by online maps. Surface water does not flow northeast toward Price Road as shown on online maps such as RDNMap (www.rdn.bc.ca/cms.asp?wpID=419). There is a height of land between the subject property and Price Road that prevents surface water from flowing north and there is no stream crossing along the east end of Price Road. Instead, it was confirmed that surface water from the subject property drains to the northeast corner of the property and into the ditch at the intersection of Ruffels Road and Leffler Road. Figure 1 depicts the approximate flow of water from the property to Romney Creek. The ditch along Ruffels Road flows east along the north side of the road. Between 1253 and 1249 Ruffels Road the ditch flows north into another ditch. This ditch was not walked as it is on private property, but it appears to flow due north toward Fair Road. I confirmed that the ditch crosses Fair Road between 1268 and 1260 and continues north approximately 180 m where it flows into a relatively accurately mapped portion of Romney Creek. During a previous assessment I conducted for an unrelated project, I have accessed this portion of Romney Creek (at 1270 Alberni Highway) and can confirm that a defined stream channel is present here.

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583
July 4, 2013

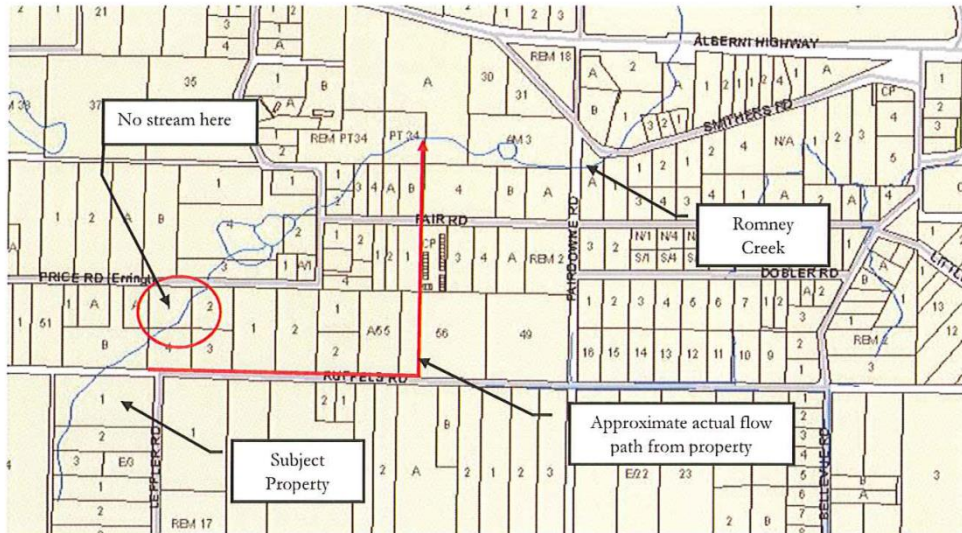


Figure 1. Mapped watercourses within the general area (screen clip from RDNMap).

Upon confirming that the wetland contributes uninterrupted surface flow to Romney Creek, I searched online for fish and fish habitat information available on Romney Creek. The French Creek Water Allocation Plan provides the following information:

There was potential fish habitat identified in the lower reach of both Romney Creek and Carey Creek. However both creeks have been extensively channelized and culverted for subdivision development in the City of Parksville. Also Romney Creek has been diverted into Carey Creek just downstream of the Parksville Springs in order to accommodate further subdivision development. At the mouth of Carey a waterfall barrier to fish passage further limits its use by fish.¹

The provincial website, Habitat Wizard, does not indicate whether or not there are fish in Romney Creek or Carey Creek. Anecdotal information from a local stream keeper who has worked in the Romney Creek watershed indicated that Romney Creek is likely to have resident trout but was not aware of any definitive proof (observations of fish).

It should be noted that recent works within the subject property have occurred and they have affected the flow of water within the subject property; however, the works do not appear to have affected where surface flow ends up (at the northeast corner of the property). The intent of this letter is not to describe or assess the recent modifications or their potential ecological and/or regulatory implications. As such, these modifications are not further discussed.

¹ BC Ministry of Environment Lands & Parks. 1994. French Creek Water Allocation Plan.

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583
July 4, 2013



Regulatory Implications

While there is not definitive proof, it is likely that some portions of Romney Creek are fish bearing. There is some potential fish habitat observed throughout the areas that I have accessed within and downstream of the property. Also, there are some large ponds and wetlands along and near the creek further downstream that may provide year round habitat for resident trout. Given that fish are likely present in at least some portions of Romney Creek, any development that has the potential to adversely impact the watercourse and/or downstream fish habitat would be subject to provincial and/or federal approvals.

Provincial approval for such development would be needed under Section 9 of the Water Act. It is my understanding that staff members from the BC Ministry of Forests, Lands and Natural Resource Operations (FLNRO) have concluded that the watercourse is applicable under the Water Act. Under the Water Act, substantial modifications to watercourses typically require application for a Section 9 Approval. Changes that could cause adverse impacts to the environment, to water quality, to downstream water users or to personal property are carefully considered by the Province and an Approval is not issued until such concerns have been appropriately addressed.

Compliance with the Federal Fisheries Act is required for any project that has the potential to detrimentally affect fish habitat at the project site or in downstream reaches. In general, causing harm to fish or fish habitat is a contravention of the Federal Fisheries Act unless an Authorization is obtained.

Within the Regional District of Nanaimo, the Riparian Areas Regulation (RAR) applies to most types of development within 30 m of a fish bearing watercourse or watercourse that flows into freshwater fish habitat. The RAR, which is enabled by the provincial Fish Protection Act, provides detailed methods through which the minimum riparian setbacks are established to protect the features, functions and conditions of riparian fish habitat. While the RAR does not apply to farming activity, it applies to non-farming activity on ALR and other farmlands. The RAR Implementation Guidebook provides an excellent summary of why riparian areas are important to fish bearing systems:

Riparian areas are the areas adjacent to ditches, streams, lakes and wetlands. These areas, found in all regions of the province, support a unique mixture of vegetation, from trees and shrubs to emergent and herbaceous plants. The vegetation in riparian areas directly influences and provides important fish habitat. It builds and stabilizes stream banks and channels, provides cool water through shade, and provides shelter for fish. The leaves and insects that fall into the water are a source of food for fish. Although they account for only a small portion of British Columbia's land base, riparian areas are often more productive than the adjoining upland and are a critical component of the Province's biodiversity.

When certain projects necessitate working in and adjacent to watercourses, it is possible – and is typically required – to devise mitigation and compensation strategies so that there is not a net ecological impact and so that regulatory approvals can be obtained; however, such plans are expensive to design, implement and monitor/maintain and they typically require creation or enhancement of watercourses or riparian areas within a given property. As such, plans to increase the potentially farmable area on the property would be restricted by compensation and mitigation requirements and it would likely be costly to achieve a relatively small increase in usable lands.

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583
July 4, 2013



The Value of Wetlands

Regardless of whether or not there are fish in Romney Creek, wetlands in both fish bearing and non-fish bearing watersheds are ecologically important. The BC Ministry of Environment <http://www.env.gov.bc.ca/wld/wetlands.html> provides a thorough description of this importance:

Wetlands are one of the most important life support systems on earth. Currently comprising about 5.6% or 5.28 million hectares of British Columbia, they provide critical habitat for fish, birds, and other wildlife. Most wildlife in the province use wetland habitat at some point in their life cycle, and many red- and blue-listed species are wetland-dependent.

The functional contribution of wetlands in helping to minimize or remediate environmental problems is substantial. They absorb and filter sediments, pollutants, and excess nutrients; recharge groundwater; maintain stream flows; control runoff; store flood waters; reduce erosion; stabilize shorelines; and help regulate atmospheric gases and climate cycles. In short, wetlands absorb water quickly and release it slowly with an improvement in quality.

Wetlands provide for commercial and recreational use of wetland-dependent fish and shellfish, enhance agricultural productivity, and support a variety of scientific, educational and recreational opportunities.

From both ecological and regulatory perspectives, any new development adjacent to the wetland on the subject property would need to consider the potential effects on environmental values. Given that the wetland and its associated riparian areas comprise a substantial portion of the subject property and that the ecological characteristics of the wetland should be protected, potential agricultural use of the property is substantially restricted by regulatory requirements. It is possible that some agricultural activities could occur on the property without being detrimental to the wetland and its riparian area; however, the nature and extent of such activities would be very limited.

In general, activities that would seek to reduce the wetted areas of the subject property to increase the amount of useable farmland would likely be ecologically detrimental. Examples of such activities could include ditching to drain surface and groundwater and placement of fill to increase the elevation of low-lying wet areas.

Conclusions

Farming activities are exempt from the RAR; however, provincial and federal approvals are required for any development that causes deleterious impacts to fish bearing watercourses or watercourses that lead to fish bearing watercourses. Without substantial compensation and mitigation plans, it is unlikely that approvals to fill in, drain or otherwise substantially modify the wetland to provide additional land for agricultural purposes would be granted, especially if fish are present within the wetland or immediately downstream. From an ecological perspective, wetlands provide important habitats for a wide variety of species and provide other important ecological and biophysical functions. There are several best practice guidelines for land development adjacent to watercourses that specifically state the need to avoid impacts whenever possible. While historic farming practices often involved substantial modifications to watercourses, such practices are typically no longer appropriate under the current regulatory system.

Re: Wetland Assessment on Lot 1, District Lot 139, Nanoose District, Plan 18583
July 4, 2013



Please let me know if you have any questions regarding this letter.

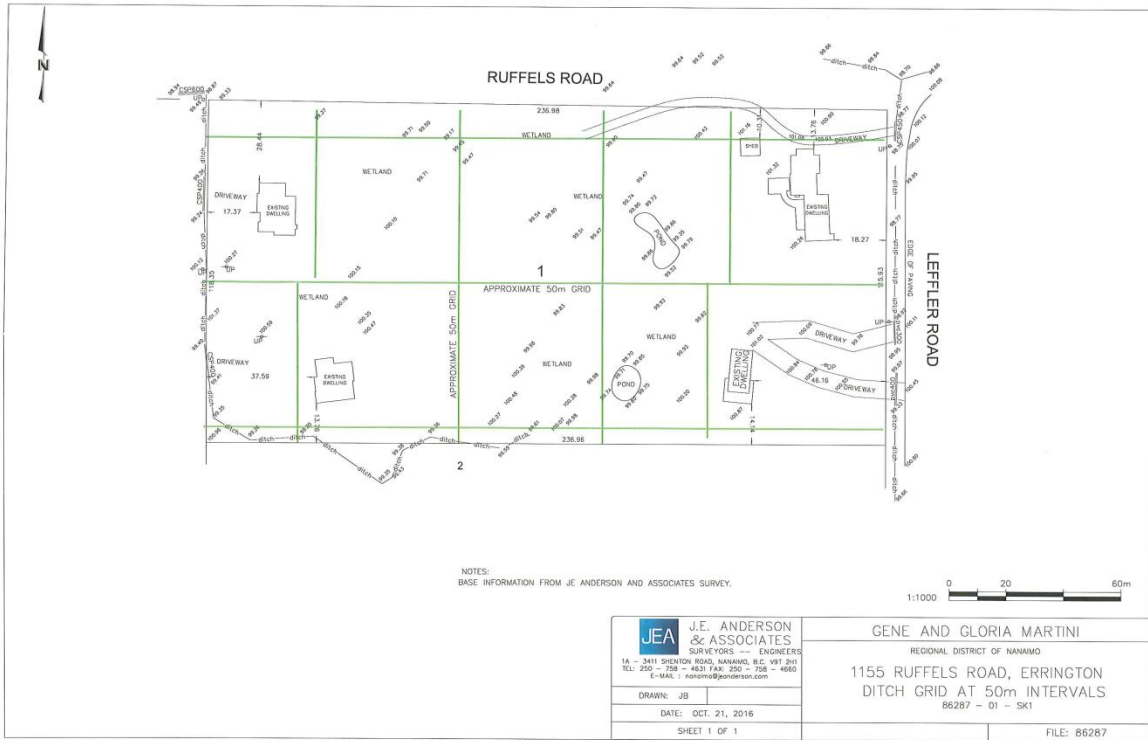
Yours truly,

EDI ENVIRONMENTAL DYNAMICS INC.

Adam Compton, R.P. Bio.
Project Manager/Senior Biologist



*Original signed +
Sealed July 4 /13*



ADDY EXCAVATING

May 3, 2016

Gene Martini
Box 152
Errington, BC V0R 1V0

Dear Gene,

Supply 20,000 cubic meters of 3" minus	\$280,000.00
Trucking to site	\$183,000.00
Striping of land debris to solid base (includes excavator & trucking)	<u>\$220,000.00</u>
Total Price	\$683,000.00 plus GST

Not included in pricing:
Any drainage system, permits or engineering

Please note: Raising the property could negatively affect drainage of adjoining parcels of land as subject property seems to be the lowest in the area

Yours truly,

Doug World

BOX 276 • QUALICUM BEACH, BC • V9K 1S8
PHONE: (250) 248-0040 • FAX: (250) 248-0041
TOLL-FREE 1-888-248-0040



CAVEMAN
CONSTRUCTION & AGGREGATES LTD.

1293

PO Box 1777 Parksville BC V9P 2H6
 Day Tel/Fax: 250-752-3573 • Eve.Tel: 250-248-6567 • Cell: 250-954-7758

G.S.T. REGISTRATION No.853551877 • W.C.B. REGISTRATION NO.514595-142

CUSTOMER GENE MARSHALL

DATE AUG 26/12

JOB # _____

QUOTE SHEET

	F.O.B. per yd ³	Tandem	Truck & Pup
Pit Run			
<u>S.G.SB 3"</u>	<u>8.00 + GST/ST</u>	<u>189.00 + TAXES</u>	<u>301.00 + TAXES</u>
Screenings			
.75" Drain Rock			
1.5" Drain Rock			
Oversize Rock	<u>PRICES BASED ON APPROX 25000 yd³ OF MATERIAL POSSIBLY MORE POSSIBLY LESS</u>		
C-33 Septic Sand			
Hydro Bedding	<u>STRIPPING & REMOVAL OF EXCESS MATERIAL EX-200 EXCAVATOR</u>		<u>158,600.00</u>
.75" Crush	<u>TRUCKING EXCESS MATERIAL TO DUMP SITE</u>		
	<u>plus FEES of \$110.00 Box 625 M093</u>		<u>58,125.00</u>
	<u>1250 LOADS DUMP SITE</u>		<u>12,500.00</u>
6mm Topsoil			
Blue Driveway Chip	<u>3" MINUS S.G.SB T+P</u>	<u>DELIVERED 25000 yd³</u>	<u>342,045.45</u>
1" Clear Hydro Chip		<u>SUBTOTAL</u>	<u>571,270.45</u>
		<u>PST</u>	<u>14,000.00</u>
		<u>GST</u>	<u>28,563.52</u>
Pea Gravel		<u>TOTAL</u>	<u>613,833.97</u>

Quote Guaranteed for 30 Days

QUOTE IS ONLY AN ESTIMATE NOT A BINDING AGREEMENT
 QUOTE DOES NOT INCLUDE ANY POSSIBLE FEES, INSPECTION, REPORTS,
 PERMITS, ENGINEERING ETC.
 ANY DRAINAGE ISSUES ARISING FROM WETLANDS AND/OR NEIGHBOURS ETC.
 WILL HAVE TO BE DEALT WITH ON A COST PLUS BASIS.

_____ All prices before applicable tax. _____

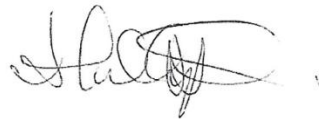
Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

Pamela Horreigan
558 Johnstone Rd.
Parksville, BC
V9P 2A5

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

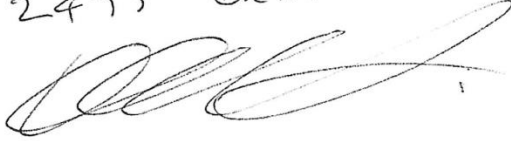
Marty Domovich 1300 Leffler rd 

Shelly D'Andrea
2050 Errington Rd



Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

DOUG WORLD
2495 ORKTON AVE



Ian Adby
1420 Roman Rd



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*The land is a swamp and not
much good for farming. The A.L.R.
will not miss this land.*

John & Cathy Snyder

1230 Fair Road
Parksville B.C.
V9P 2C7

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

Bonnie Snyder
1091 Fairdowie Rd.
Parksville, BC
V9P 2C6
Bonnie Snyder

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

Nov 7, 2016
 Boss 1191 Leffler Rd. Errington BC.
 K & J McBride 1636 Grafton Ave Errington, BC.
 Robert & Stella Judgul 1164 DOBLER RD
 MIKE & KATHY HUKER 1154 DOBLER RD,
 Sylvia Campbell 1240 Leffler Rd. Errington
 Sharon D Puckard 1265 Leffler Rd Errington
 Andrew & Maria Speed 1194 Dobson Rd Errington

NOV 8/16
 Reg Raper. 250 Grafton. Coombs BC.
 I'm the butcher that crawled the
 hogs out of the mud.
 This is not farm Land.

WALTER PARAVICINI
 1020 PAGE RD. PARAVICINI FARM - This property is to ask
 to Farm it.

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments. Thank you from all of us.

Nov 7/16

M. Jandin Chibot 1523 Pacific Cres. - This is the perfect
Parksville family situation!

Lenee Spensley 2120 Sunking Rd - We have known this family
Mark Spensley Coombs, BC. for many years and
fully support what they
and doing for their family.

Benny + Brad Knorr 1388 Price Rd Fully Support

Teresa Klemm 2120 Parkway Pl
Errington There are many properties
in Errington, that are
designated ALR, that
are not good for farming.
This should be considered
as it's an old regulation.

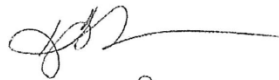
Helen + Robin Catherall 1373 Errington Rd
Errington - We totally support
this application.
This is not arable
land + is a perfect
use to support a
long standing community
family
- support this exclusion
for family.

Stephanie Bruce McLeod 1126 Ruffels Rd
Errington - support this exclusion
for family.

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

November 7th 2016

I fully support this family in their efforts to exclude the above property from the ALR in order for them all to be able to live there.



Kim Pudersu
836 Retegno Ave
Parksville BC
V9P 0C3

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments. Thank you from all of us.

Robert Pickard of 2921 Grafton Ave
Support the Martini family in this application.



- I, Anaby Gillespie, of 1489 Grafton Avenue,
support the Martini family in this application



- Keira Outh 902 Poplarway, QB



~~Karen Albert~~ 2110 Parkway Place
Errington. Jeannie Diewold

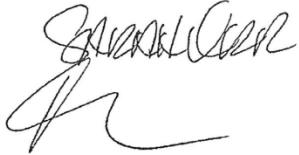
- I support the Martini's. Angie Woodthorpe 1297 Englishman River Road.
- I support the Martini's family in this application - Deborah 846 Englishman Riv.

Gene and Gloria Martini and family are asking for your support for the Exclusion of our property at 1155 Leffler Rd in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments. Thank you from all of us.

Trisha Dodge 2100 Errington
Roger Berthelette Errington
Erin Bailey Coombs Box 272 VOZIMO
Leta Smith-Hodgson 2140 B Parkway Pl.
Joan Smith-Hodgson 2140 Parkway Pl.
Melissa Crane - 690 Middlegate Rd Errington
Christina Sigoun 1630 Grafton Ave Errington
Emily McKeivrey 1675 MATTERSON Errington
Chris Armour 2100 Errington Road.
Kathleen Primeau 835 Middlegate Rd Errington.
Paula Rowan 1609 Catherine Place Errington

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

SARAH ORR
HL BOORMAN
50 GERALD PLACE
PARISVILLE, BC



Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments. Thank you from all of us.

~~G. Steff~~ G. STEFF.
1381 RUFFELS RD.

Bennie Jorgensen 1410 Price Rd.

Steve Green 1440 PRICE Rd.

O'Carra 1468 Ruffels Rd.

G. Martin - GARY DOOLIN - 1181 LEFFLER Rd.

Natalie Wilson 1200 Leffler Rd.

C McCabe (Cathy McCabe) 1181 Leffler Rd.

Errington BC V0R1V0.

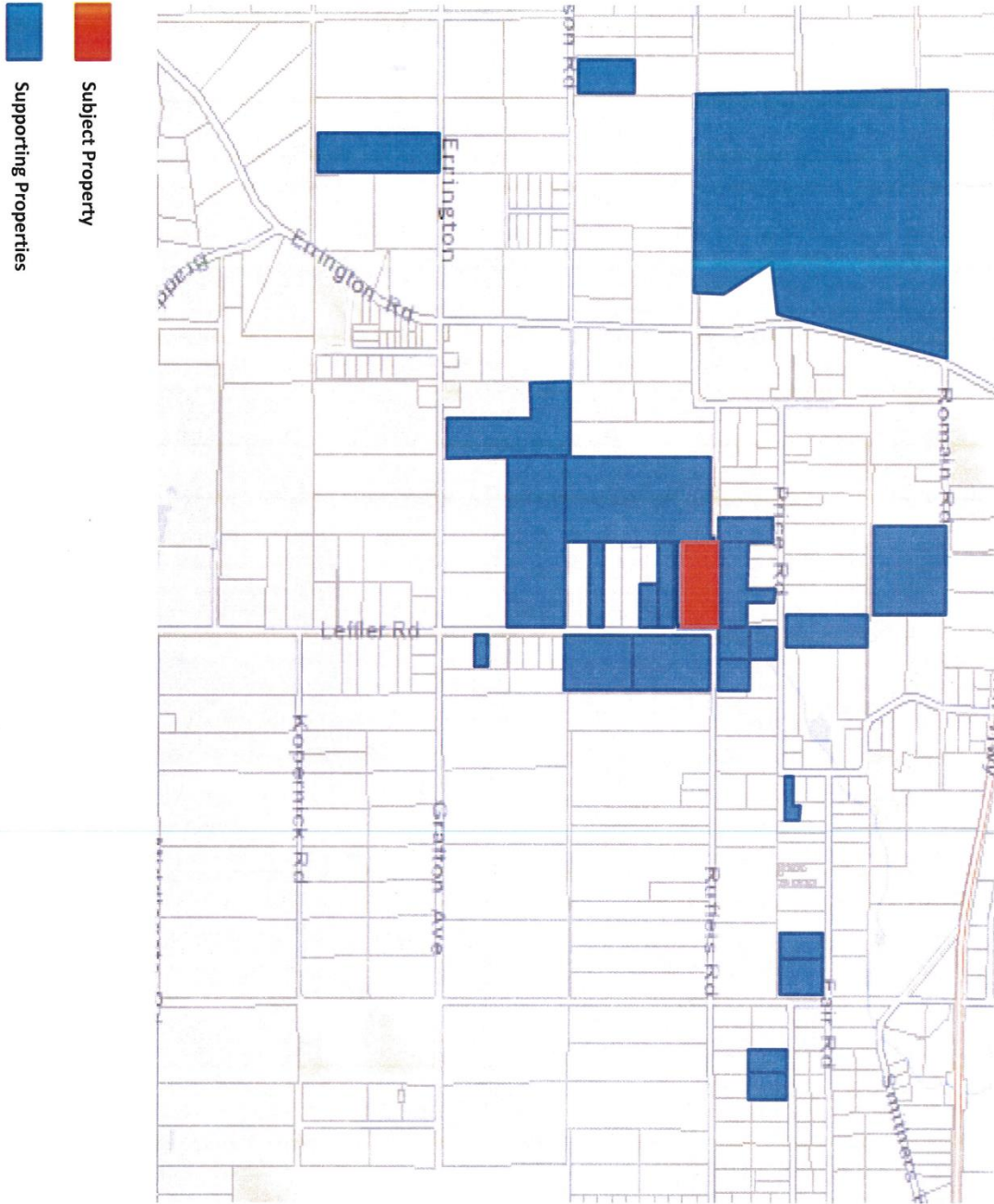
These are our neighbours I served with the documents.

Gene and Gloria Martini and family are asking your support for the Exclusion of our property at 1155 Leffler Road in Errington from the Agriculture Land Commission. This property is wet and not farmable and we want our children and grandchildren to live on the property with us. As you are aware we have been dealing with this for some time and we would like your support for our application by signing this and giving any comments . Thank you from all of us.

<u>Name:</u>	<u>Address:</u>
STANIE CHUMOLOK	1227 LEFFLER RD.
JANET CHUMOLOK	1227 LEFFLER RD
Elaine Robson	1101 Errington Rd.
Jason Fox	1019 Errington R Silvermeadows Farm
Les Turkik	640 Errington Rd.
Ryan Rhodes	1853 Swayze Rd.
Wendy Sandberg	116-1391 Price Rd Parksville
Francois Monseau	1163 Englishman's river rd -
LARRY NARSETH	1092 PINEWOOD Parksville
FRED WOODSKE	1361 RUFFERS RD. DREAMWOOD FARM.

Supporting Properties	
1. 558 Johnstone Road	2. 2110 Parkway Place
3. 1300 Leffler Road	4. 1297 Englishman River Road
5. 2050 Errington Road	6. 840 Englishman River Road
7. 2495 Grafdon Avenue	8. 2100 Errington Road
9. 1420 Romain Road	10. Box 272 Coombs
11. 1230 Fair Road	12. 2140 B Parkway Place
13. 1091 Fairdowne Road	14. 2140 Parkway Place
15. 1191 Leffler Road	16. 690 Middlegate Road
17. 1636 Grafton Avenue	18. 1630 Grafton Avenue
19. 1164 Dobler Road	20. 1675 Matterson Road
21. 1154 Dobler Road	22. 2100 Errington Road
23. 1240 Leffler Road	24. 835 Middlegate Road
25. 1265 Leffler Road	26. 1609 Catherine Place
27. 1194 Dobson Road	28. 50 Gerald Place
29. 2510 Grafton	30. 1381 Ruffels Road*
31. 1020 Page Road	32. 1410 Price Road*
33. 1528 Pacific Crescent	34. 1440 Price Road*
35. 2120 Sun King Road	36. 1468 Ruffels Road*
37. 1388 Price Road	38. 1181 Leffler Road*
39. 2120 Parkway Place	40. 1200 Leffler Road*
41. 1373 Errington Road	42. 1188 Leffler Road*
43. 1126 Ruffels Road	44. 1227 Leffler Road
45. 836 Retegno Avenue	46. 1101 Errington Road
47. 2921 Grafton Avenue	48. 1019 Errington Road
49. 1489 Grafton Avenue	50. 1640 Errington Road
51. 902 Poplar Way	52. 1853 Swayne Road
53. 116 – 1391 Price Road	54. 1163 Englishman River Road
55. 1092 Price Road	56. 1361 Ruffles Road
*surrounding neighbours	

[24 of 56 properties shown on Schedule A]



Schedule A



NOTICE OF EXCLUSION APPLICATION
Regarding Land in the Agricultural Land Reserve

I, Gene Phillip Martini and Gloria Ann Martini
(full name, or names, of registered owner)

of c/o Cox Taylor, 26 Bastion Square, 3rd Floor Burnes House, Victoria B.C. V8W 1H9
(mailing address)

intend on making an application pursuant to Section 30(1) of the *Agricultural Land Commission Act* to exclude from the

Agricultural Land Reserve the following property which is legally described as,

Lot 1, District Lot 139, Nanoose District, Plan 18583
(legal description from the title certificate)

and located at 1155 Leffler Road, Errington B.C. V0R 1V0
(street address if applicable)

Any person wishing to express an interest in the application may do so by forwarding their comments in writing to,

Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo B.C. V9T 6N2
(name and mailing address of the local government)

by December 8, 2016
(14 days from the date of second publication)

NOTE:

- This notice and the application are posted on the subject property.
- Please be advised that all correspondence received by the local government and/or the ALC forms part of the public record, and is disclosed to all parties, including the applicant.