

DATE OF MEETING MAY 7, 2018

AUTHORED BY NANCY SKEELS, PROPERTY AGENT, REAL ESTATE

**SUBJECT LAND RESERVE APPLICATION – APPLICATION FOR NON-FARM
USE IN THE AGRICULTURAL LAND RESERVE – 155 PRYDE
AVENUE**

OVERVIEW

Purpose of Report

To obtain Council support for an application for non-farm use in the Agricultural Land Reserve for the subject property.

Recommendation

That Council support the applications for a subdivision, exclusion, the siting of a recreational trail, and a sanitary sewer upgrade in the Agricultural Land Reserve at 155 Pryde Avenue.

BACKGROUND

155 Pryde Avenue (the “Property”) (Attachments A and B) is a 53.57-acre golf course in Central Nanaimo located within the Agricultural Land Reserve (the “ALR”). The Property is zoned Rural Resource (AR1). This zone allows for a variety of uses such as agriculture, animal shelter, boarding kennels, campgrounds, golf course, and horse stable.

The City has an interest in working with Acorn Investments Ltd. (the “Owners”) to establish new infrastructure and rehabilitate existing City infrastructure on the Property. The Owners are interested in rectifying historical property issues and are willing to have the process project managed by City Staff.

The projects include construction of a trailway from Creekside Drive to Morey Road, a property boundary adjustment along the southerly property boundary, subdivision and exclusion of land on Venlaw Road to create a single-family lot and the upgrade to the City’s sanitary sewer.

As laid out in the *Agricultural Land Commission Act*, an application to the ALR to permit the projects cannot proceed unless authorized by a resolution of local government where the applications pertains to land that is zoned to permit agricultural use. Therefore, Council must provide a resolution before these applications can be forwarded to the Commission for a decision.

At the 2018-MAR-05 “In Camera” Council meeting, Council provided approval to enter into the Letter of Intent, establishing the basic terms under which the City and the Owners are prepared to enter into an agreement to mutually support the projects (Attachment C). A plan showing the proposed projects is shown on Attachment D.

DISCUSSION

Recreational Trailway: The trailway will be 40 meters in length running partly adjacent to the existing creek from Creekside Road through to Morey Road. This area is not being used by the golf course. Given that the City is currently in the early stages of planning for trail development, no detailed design has been developed to address timing of construction or materials to be utilized. However, through the planning process, steps will be taken to mitigate any impacts on the creek and surrounding agricultural lands.

Southerly Boundary Adjustment: Under Section 10 of the *Agricultural Land Commission Act* boundary adjustment approval may be authorized by the City's Approving Officer where in with the opinion of the approving officer the adjustment will allow for the enhancement of the Owner's overall farm. A review of the subject area by the Approving Officer indicates these lands along the Millstone River are currently underutilized for agricultural operations and would be better suited being consolidated to the City and Ducks Unlimited Canada-owned property known as the West Buttertubs Marsh. Under the guidance of the Buttertubs Marsh Conservation Area Management Plan, the City will be able to provide recommendations for protecting and enhancing fish and wildlife habitat, control storm water management, and provide for public recreational and educational opportunities where compatible within this area.

Venlaw Property Subdivision and Exclusion Application: A review of the proposed lot area for a subdivision and exclusion application indicates that this land would be unsuitable for agricultural purposes. Excluding this property to create a single-family lot would be consistent with the remainder of the neighbourhood. The City's Official Community Plan designates this area as residential. If the ALC Commission permits the application, Staff will bring forward for Council's consideration an application to rezone the new lot from AR1 to R1.

Sanitary Sewer Upgrade: The upgrade to the sanitary sewer will be contained within the City's existing right-of-way area. The Property will be restored to equal or better condition than it was prior to construction, and the City will work with the Owner to ensure the construction will not have an impact on the remainder of the agricultural lands.

OPTIONS

1. That Council supports the applications for a subdivision, exclusion, the siting of a recreational trail, and a sanitary sewer upgrade in the Agricultural Land Reserve at 155 Pryde Avenue.
 - **Budget Implication:** The City will be responsible for all the ALC application costs, subdivision, rezoning, survey, legal, building permit costs, and the costs of establishing new infrastructure on the Property. The amount of these costs are unknown. The Owners will transfer the road dedication (trailway) and the Southerly Property to the City for \$1.00. The sanitary sewer project costs have been budgeted within the draft 2017-2021 Financial Plan.
 - **Legal Implication:** The City's solicitor will prepare the conveyancing documents.
 - **Policy Implication:** The City's Official Community Plan supports the proposed subdivision and exclusion application.
 - **Engagement Implication:** The Owners are interested in rectifying historical property issues and are willing to have City Staff project manage this process.
 - **Strategic Priorities Implication:** *Active Lifestyle* - additional walking and cycling trails and recreational activities will be promoted.

2. That Council not support the applications for a subdivision, exclusion, the siting of a recreational trail and a sanitary sewer upgrade in the Agricultural Land Reserve at 155 Pryde Avenue.
- **Engagement Implication:** If Council decides not to support the applications, Staff will let the Owners know.
 - **Strategic Priorities Implication:** *Active Lifestyle* - additional walking trails and recreational activities will be promoted. Not providing approval is inconsistent with the Strategic Plan.
 - **Project Implication:** The projects will not proceed without Council's support to the applications.

SUMMARY POINTS

- 155 Pryde Avenue is a 53.57-acre golf course in Central Nanaimo, is zoned Rural Resource, and is located within the Agricultural Land Reserve.
- The City has an interest in working with Acorn Investments Ltd. to establish new infrastructure and rehabilitate existing City infrastructure on the Property. The Owners are interested in rectifying historical property issues and are willing to have City Staff project manage this process.
- At the 2018-MAR-05 "In Camera" Council meeting, Council provided approval to enter into the Letter of Intent outlining the projects.
- The projects include construction of a trailway from Creekside Drive to Morey Road, a property boundary adjustment along the southerly property boundary, subdivision, and exclusion of land on Venlaw Road to create a single-family lot and the upgrade to the City's sanitary sewer.
- In order to accomplish the projects, ALC approval is required as the land is within the ALR and has Rural Resource zoning. Staff are seeking indication of support from Council for the applications.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Aerial Photo
ATTACHMENT C: Letter of Intent
ATTACHMENT D: Proposed Projects

Submitted by:

Bill Corsan
Deputy Director, Community Development

Concurrence by:

Dale Lindsay
Director, Community Development