



Provincial Agricultural Land Commission - Staff Report

Application: 51969

Applicant: Frank Mihoc
Agent: Tina Mihoc
Local Government: Regional District of Nanaimo

Proposal: Subdivision of either 2 lots of 2 ha each (preferred) or 1 lot of 5 ha from the south end of the property. The applicant is willing to include approximately 0.5 ha into the ALR on the northern portion of the property and the development of a 1ha vineyard (in addition to the existing agricultural operations) as compensation for the subdivision. Please see also the detailed submission filed with the application (88 pages plus figures, photographs and maps)

BACKGROUND INFORMATION

There have been two previous applications for subdivision of this property. The present owner purchased the property in 2005. Recent applications for subdivision in the area include the refusal from the Commission of an application adjacent to the west, and refusal of an application approximately 500 m to the NW.

PROPERTY INFORMATION

PID: 006-695-281
Legal Description: Lot 24, District Lot 81, Newcastle District, Plan 1967, EXCEPT Parts in Plans 25929 and 37892
Property Area: 11.2 ha
ALR Area: 10.4 ha
Purchase Date: August 22, 2005
Location: Between Fowler Road and the Island Highway, Qualicum Beach
Owner: Frank Mihoc

LAND USE

Current Land Use:
 Hobby farm and forested land

Surrounding Land Uses:

North: To the north is Island Highway. North of Island Highway is undeveloped forest land
 East: Forested lot that includes ALR and non-ALR Land
 South: Golf Course
 West: Forested, residential property on Fowler Road. Residential lot on Island Highway

PROPOSAL DETAILS

Subdivision - ALR Area: 10.4 ha

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

Agricultural Capability:

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

Source: On-Site

Mapsheet: 92F.038

PREVIOUS APPLICATIONS

Application ID: 41764

Legacy #: 35813

Applicant: Robert & Brenda Wiebe

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

Decision:

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

Note: see history in file

Application ID: 12277

Legacy #: 29238-1

Applicant: Lyle and Martina Ramsey

Proposal: To reconsider the proposal to subdivide three 2 ha lots from the 13 ha property leaving a 7 ha remainder.

Decision:

Resolution #	Decision Date	Decision Description
577/1998	September 21, 1998	The Commission reviewed the Land Capability Assessment report done on the subject property and felt that with good management practises the property could support some agricultural activities. It was felt that subdivision would reduce the agricultural potential of the property and as a result the proposed subdivision request was refused.

Note: see history in file

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: OCP Bylaw 1335

Designation: Resource

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Bylaw 500

Zoning Designation: Rural 1

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

RDN Board does not comment on ALC applications.

ALC STAFF COMMENTS

There have been two previous applications for subdivision of the property, both of which were refused - see file information. The present proposal differs from the previous applications in the proposed inclusion of 0.5 ha (portion of the property outside the ALR), and the detailed soils/capability report attached to the application. An extensive written submission is appended to the application which provides additional information and detail regarding the proposal.

END OF REPORT

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