



Agricultural Land Commission
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November 25, 2005

Reply to the attention of Ron Wallace

Jaroslav & Bojka Zvekich
2700 White Rapids Road
Nanaimo, BC V9X 1E4

Dear Sir/Madam:

Re: **Application #S-36318**
Lot 2, Section 6 & 7, Cranberry District, Plan 46416, EXCEPT Parts in Plans
VIP65345 & VIP71080

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide an approximately 10 ha lot from the above noted property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on November 16, 2005. The Commission found the meeting and site visit informative.

The Commission after carefully considering your application felt the proposed subdivision would provide no potential benefit to agriculture with the creation of two lots. Indeed it felt the proposed subdivision would reduce the existing agricultural potential of your property.

For this reason, the Commission refused your application for subdivision.

The decision noted above is recorded as Resolution **#622/2005**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Nanaimo - 6635-04-0517

RW/lv
36318d1



Staff Report
Application # S – 36318-0
Applicant: Jaroslav & Bojka Zvekich
Location: Nanaimo

DATE RECEIVED: October 18, 2005

DATE PREPARED: November 7, 2005

TO: Chair and Commissioners – Island Panel

FROM: Brandy Ridout, Regional Research Officer

PROPOSAL: To subdivide an approximately 10 ha lot from the 22.7 ha subject property.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants note that their ability to produce hay on the property has been negatively impacted by the effect neighbouring roadwork has had on the availability of water. Since the property was purchased, the applicants have experimented cultivating various types of grapes and would like to now replace the beef/hay operation with a vineyard and wine-making facility. In order to make this shift in farming, the applicants are requesting to subdivide the northern section of the farm north of Stark Creek, which runs west/east through the property, and put the proceeds of the sale into a new vineyard and wine making facility.

Local Government:

Regional District of Nanaimo

Legal Description of Property:

Lot 2, Section 6 & 7, Cranberry District, Plan 46416, EXCEPT Parts in Plans VIP65345 & VIP71080 (PID: 010-256-873)

Purchase Date:

March 1988

Location of Property:

2700 White Rapids Road, Nanaimo

Size of Property:

22.7 ha (Approximately 16 ha is in the ALR)

BACKGROUND INFORMATION (continued):

Present use of the Property:

Historically hay production and livestock, new grape cultivation experiments

Surrounding Land Uses:

WEST: White Rapids Road, non-ALR
SOUTH: Nanaimo River Road, non-ALR
EAST: Non-ALR, large lots
NORTH: Steep hill, Colwell Road, non-ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92G/4
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan
Bylaw No. 1148 (1999)
Designation: Resource (that portion of the subject property within the ALR) and Rural (non-ALR portion)

Zoning Bylaw and Designation:

Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 (1987)
Designation: Rural 9 subdivision district 'B' (RU9B) and Rural 9 subdivision district 'D' (RU9D)

PREVIOUS APPLICATIONS:

Application #21120-0

Applicant: John & Fern Colwell
Decision Date: May 29, 1987
Proposal: To subdivide the 33 ha property along the ALR boundary to create a 17 ha lot outside the ALR and a 16 ha lot within the ALR. A panhandle access is proposed through the ALR.
Decision: Allowed.

Application #32777-0

Applicant: Jaroslav & Bojka Zvekich
Decision Date: September 27, 1999
Proposal: To subdivide an approximately 2 ha parcel, 0.73 ha is within the ALR, from the subject property to provide a homesite for the applicants son.
Decision: Refused - the southwest portion of the property has good agricultural capability and should be retained as a whole to maintain its agricultural potential.

Application #32777-1

Applicant: Jaroslav & Bojka Zvekich
Decision Date: April 26, 2000
Proposal: To subdivide along the ALR boundary to create a 2 ha parcel lying outside the ALR.
Decision: Allowed.

RELEVANT APPLICATIONS:

Application #30673-0

Applicant: John & Fern Colwell

Decision Date: June 24, 1996

Proposal: To dedicate and construct a road within a panhandle portion of the 15 ha subject property. Only the panhandle lies within the ALR. The applicant proposes to subdivide six 2 ha lots outside the ALR.

Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Board forwarded the motion that all decision-making regarding whether land should be in the Agricultural Land Reserve be allocated to the Agricultural Land Commission.

STAFF COMMENTS:

Staff suggests that should the Commission consider approving the applicant's request for subdivision, that it also consider the possibility of including into the ALR agriculturally suitable portions of the subject property.

Although it is unfortunate that roadwork around the property has negatively impacted water supply, it should be noted that economic factors alone are not an acceptable rationale for subdivision.

END OF REPORT

Signature _____

Date _____



Nov 8/05

