



Provincial Agricultural Land Commission - Staff Report

Application: 51910

Applicant: Alan & Zeta Wall
Agent: Deborah Jensen
Local Government: Regional District of Nanaimo

Proposal: SUBDIVISION - subdivide into 3 separate parcels
 The applicants have indicated that a two lot subdivision (with proposed lots B and C as one) would also be considered.

BACKGROUND INFORMATION

Due to the large portion of the property which is wetland, the applicants wish to divide the land into three lots. There is no access across the property from the north to the south sections due to the wetland area. A report from a biologist regarding the wetland is appended to the application. The applicants have owned the property since 1990.

PROPERTY INFORMATION

PID: 008-018-901
Legal Description: District Lot 61 Nanoose District EXCEPT Plan 13497,18241,21985,29969,49980
Property Area: 15.7 ha
ALR Area: 15.7 ha
Purchase Date: March 30, 1990
Location: The property is located just south of the Errington "town center"
Owner: Alan & Zeta Wall

LAND USE

Current Land Use:

Two permanent residences, one mobile home, limited agricultural development due to large wetland area. The property exhibits little to no agricultural development.

Surrounding Land Uses:

North: Treed, Residential, Farmland, in ALR
 East: Treed, Wetland, Residential, in ALR
 South: Treed, Residential, in ALR
 West: Treed, Residential, Auto Wrecking, in ALR (except auto wrecking -pre dates)

PROPOSAL DETAILS

Subdivision - ALR Area: 15.7 ha

Number of Lots	ALR Area of Lot (ha)
1	4.6
1	5.8
1	4.9

Agricultural Capability:

The majority of the area under application is rated as: Prime Dominant

Source: BCLI

Mapsheet: 92F.029

PREVIOUS APPLICATIONS

Application ID: 4526

Legacy #: 22402

Applicant: Laurel Ware

Proposal: To subdivide a 1.2 ha lot from the 16 ha property as a homesite severance.

Decision:

Resolution #	Decision Date	Decision Description
878/1988	August 8, 1988	Allow subject to standard conditions of Homesite Severance Policy.

Note: Allowed homesite severance lot for L.Ware in SW corner of parent parcel.

Application ID: 4196

Legacy #: 30175

Applicant: Alan & Zeta Wall

Proposal: To legalize a second permanent (and third dwelling) on the subject property.

Decision:

Resolution #	Decision Date	Decision Description
491/1996	June 24, 1996	The Commission allowed the third dwelling based on legal advice received during the Coombs Errington review which would legalize all non conforming uses up to a specific date and to pursue enforcement on non compliance with the act after that date.

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Board/Council

RDN board does not comment on ALR applications.

ALC STAFF COMMENTS

The applicants have given no evidence of any efforts to improve the land for farming. While the concerns for the sensitive nature of the wetland is appreciated, it is somewhat irrelevant to the considerations and jurisdiction of the Commission, except as it may function as a source of water for agricultural production.

The Commission must decide if the wetland creates a significant barrier to farming development of the entire parcel, and if therefore subdivision would be warranted. Staff suggests that a two lot subdivision with the properties split on an angle from NW to SE may be considered by the Commission as more appropriate than the configuration suggested by the applicants.

END OF REPORT

Prepared by: Gordon Bednard