



Provincial Agricultural Land Commission - Staff Report

Application: 52176

Applicant: Terry & Linda Budzak
Agent: JE Anderson & Associates
Local Government: Regional District of Nanaimo

Proposal: SUBDIVISION - Proposal to subdivide a 7.2 ha property into one parcel of 2.2 ha and one parcel of 5 ha. The subdivision of the two parcels would follow an existing zoning boundary.

BACKGROUND INFORMATION

The 7.2 ha property is currently split zoned as Residential 6 and Rural 1. The proposed subdivision would divide the property in line with current zone boundary.

PROPERTY INFORMATION

PID: 025-538-098
Legal Description: Lot A District Lot 76 Newcastle District Plan VIP74503
Property Area: 7.2 ha
ALR Area: 7.2 ha
Purchase Date: June 30, 2009
Location: 1244 Allgard Road
Owner: Terry & Linda Budzak

LAND USE

Current Land Use:
N/A

Surrounding Land Uses:

North: ALR - 5 ha Residential
 East: ALR - 5 ha Rural residential
 South: ALR - Fish Hatchery
 West: ALR - 20 ha Rural Residential

PROPOSAL DETAILS

Subdivision - ALR Area: 7.2 ha

Number of Lots	ALR Area of Lot (ha)
1	5.0
1	2.2

Agricultural Capability:

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

Source: BCL

Mapsheet: 92F.038

PREVIOUS APPLICATIONS

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Application ID: 37461

Legacy #: 25900

Applicant: Terry & Linda Budzak

Note: June 1991 - The applicant (Budzak) proposes to exclude 6.6 ha from the ALR for the purpose of subdividing eight to ten 0.2 ha lots. The Commission refused the application on the grounds that the property has good agricultural capabilities.

RELEVANT APPLICATIONS

Application ID: 28328

Legacy #: 15012

Applicant: Helen M. Le Baron

Note: April 1982 - The applicant (LeBaron) proposes to subdivide a 5.8 ha parcel into one 4.2 ha lot and one 1.6 ha lot. The 1.6 ha lot is isolated from the rest of the property by the Little Qualicum River. The Commission allowed the subdivision subject to compliance with other legislation.

Application ID: 2910

Legacy #: 29582

Applicant: Mabel Faludi, Executrix

Proposal: The application requests permission to subdivide the 16 ha lot along the ALR boundary creating three 2 ha lots and a remainder of 8.3 ha (lying partially within the ALR). A further 2 ha (river bed) would be returned through the Crown

Decision:

Resolution #	Decision Date	Decision Description
194/1995	March 1, 1995	Approved. ALR portion remains connected to a non-ALR lot in order to provide access.

Application ID: 937

Legacy #: 27108

Applicant: J.&D. MCMILLAN

Proposal: Exclusion of ALR portion of two properties totalling approximately 24 ha

Note: February 1993 - The applicant (Budzak) proposes to exclude 28 ha for the purpose of residential subdivision, in exchange for inclusion of 15 ha into the ALR. The Commission refused the application based on the good agricultural capability of the subject property, and the potential negative impacts that subdivisions could have on surrounding agriculture.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Electoral Area 'G' OCP Bylaw No. 1540, 2008

Designation: Rural

OCP Compliance: No

Zoning:

Zoning Bylaw Name: RD of Nanaimo Land Use/Subdiv. By. No. 500, 1987

Zoning Designation: Rural 1

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Board/Council

The Regional District of Nanaimo does not comment on application for subdivision within the ALR.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

ALC STAFF COMMENTS

- 1) The improved BCLI rating of the 7.2 ha subject property is 2:1, 2:(5:1 5:2A), 2:3A, 4:(8:3A 2:5A). The proposed northern parcel of 2.2 ha zoned as Residential is predominantly Class 3A and 5A. The proposed southern parcel of 5 ha zoned as Rural 1 is predominantly Class 1 and 2A.
- 2) The applicants have previously applied for exclusion of the subject property as well as an adjacent 28 ha property. Both applications were refused based on good agricultural capabilities of the land.
- 3) Pursuant to Regional District of Nanaimo Electoral Area 'G' OCP Bylaw No. 1540, 20080, the subject property is designated as 'Rural' lands, which requires a minimum parcel size of 8 ha. The Regional District of Nanaimo Growth Strategy designates this property as 'Resource Lands and Open Spaces' which supports the retention of land in the ALR.

ATTACHMENTS

52176_ContextMap10k.pdf
52176_AirphotoMap5k.pdf
52176_Survey.pdf
52176_Zoning.pdf

END OF REPORT

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