



Provincial Agricultural Land Commission - Staff Report

Application: 52370

Applicant: Norman & Elizabeth Mycock
Agent: Fern Road Consulting Ltd
Local Government: Nanaimo

Proposal: To subdivide two 1 ha lots from the 62.7 ha property for the applicant's relatives. The two lots would encompass two existing dwellings. The applicant Norman Mycock died in February 2011 and the farm is in the process of being sold by his widow, Elizabeth Mycock. The sale of the farm would be hampered by the presence of three homes on the property.

BACKGROUND INFORMATION

The applicants subdivided two 1 ha lots from the eastern portion of the property for their two sons in 1985. The Commission approved the subdivision in 1982.

PROPERTY INFORMATION

PID: 002-296-594
Legal Description: District Lot 46, Nanoose District, Except Parts in Plans 44554 and 45876
Property Area: 62.7 ha
ALR Area: 62.7 ha
Purchase Date: January 1, 1956
Location: 1731, 1696 & 1694 Errington Road
Owner: Norman & Elizabeth Mycock

Total ALR Area:

LAND USE

Current Land Use:

The 60 ha parcel is used for forage production, and was once used for cattle raising, and before that for a dairy operation. There are three homes on the property.

Surrounding Land Uses:

North: 8 ha forested ALR parcels
 East: Rural residential in the ALR, suburban residential outside the ALR.
 South: Large (25 ha) forested ALR parcel
 West: Large (60 ha, 30 ha) farm parcels in the ALR

PROPOSAL DETAILS

Subdivision - ALR Area: 62.7 ha

Number of Lots	ALR Area of Lot (ha)
1	60.7
2	1.0

Agricultural Capability:

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

Source: BCLI

Mapsheets: 92 F.009

PREVIOUS APPLICATIONS

Application ID: 51975

Applicant: Norman & Elizabeth Mycock

Proposal: SUBDIVISION - subdivide to provide a residence for a relative

Decision:

Resolution #	Decision Date	Decision Description
5/2010	November 25, 2010	Refuse subdivision for a relative.

Note: This application was made by Mr. Mycock. The current applicants were not aware of this previous application, and requested that it be cancelled.

Application ID: 28434

Legacy #: 14283

Applicant: N.H. & E.L. Mycock

Proposal: To subdivide a 2 ha lot from the 63.5 ha parcel.

Note: Refuse as proposed in 1982. In 1987, a reconsideration request was received proposing the subdivision of the two 1.0 ha lots that were allowed as leaseholds for the applicants' sons by Resolution # 8396/1978.

Application ID: 28431

Legacy #: 04579

Applicant: N.H. & E.L. Mycock

Proposal: To subdivide two 2 ha lots from the 63.5 ha property for the applicant's sons.

Note: Initially refused, but reconsidered to allow two lots by 20 year leasehold.

Application ID: 28427

Legacy #: 03688

Applicant: N.H. & E.L. Mycock

Proposal: To subdivide a 2 ha lot from the 63.5 ha parcel

Note: Refuse as proposed

RELEVANT APPLICATIONS

Application ID: 5747

Legacy #: 24473

Applicant: P. and G. Seaton

Proposal: To subdivide a 0.5 ha lot from the 32.2 ha property separating one of the three existing dwellings. The applicant's either plan to sell the property and give proceeds to son, or keep it for a retirement property.

Decision:

Resolution #	Decision Date	Decision Description
1142/1990	December 3, 1990	Allow as requested,

Note: The Commission allowed the subdivision of a 0.5 ha lot encompassing the third home provided no further subdivision of the property was countenanced.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: RDN Electoral Area 'F' OCP Bylaw # 1152, 1999

Designation: Resource Lands in ALR

OCP Compliance: No

Zoning:

Zoning Bylaw Name: EA 'F' Bylaw No. 1285, 2002

Zoning Designation: A-1

Minimum Lot Size: 4.0 ha

Zoning Compliance: No

Comments and Recommendations:

Board/Council

The Regional District of Nanaimo forwarded the application without comment as per policy.

ALC STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The land has excellent capability for agricultural uses, ranging from improvable to Class 1-3. The long history of cultivation and use reflect this capability.
- 2) One of the dwellings under application predated the establishment of the ALR, having been constructed in 1970. The other dwelling was constructed in 1992, prior to a building inspection bylaw being established in Electoral Area F.
- 3) The Commission allowed two 1.2 ha 20 year leasehold lots for the applicant's sons in 1978. These properties were approved by the Commission as fee simple parcels under separate application in 1987. According to the file information one parcel continues to be owned by a son. The other was sold in a divorce settlement.
- 4) Two previous subdivisions have already eroded the agricultural capability of the property and with time will be owned non farm families. In fact one has already been sold outside the family. It is the Commission's experience that conflicts can often arise between residents and farm operations. Retaining the current homes with the farm parcel for farm help will help limit the potential for rural/farm conflicts .
- 5) There are also concerns that in the future additional homes will be requested for farm help, given the size of the farm parcel. Severing the existing "farm help" homes will increase pressure to construct additional homes on the property.
- 6) The applicant may qualify for consideration under Homesite Severance Policy. No mention is made of this consideration in previous files. Should the Commission not consider the previously subdivided lots as "fulfilling the intent" of the policy, then staff suggests that a one lot subdivision might be permitted to accommodate Ms. Mycock. According to the file material she no longer wishes to live in her farm home, and currently resides with her daughter in one of the homes requesting subdivision.

ATTACHMENTS

52370_ContextMap50k.pdf
52370_AgCapabilityMap.pdf
52370_AirphotoMap20k.pdf
52370_Sketch plan.pdf
52370 consultants report.pdf

END OF REPORT

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