



Staff Report
Application # L – 37676
Applicants: Dan & Marlene May
and Frank & Rhonda Elzinga

DATE RECEIVED: September 14, 2007

DATE PREPARED: October 22, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide the 59.5 ha subject property to create a 23.1 ha lot and a 36.4 ha lot to provide separate title for each of the families who own the land.

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

BACKGROUND INFORMATION:

The subject property was created through the subdivision of a 117.4 ha parcel along the highway in 1977. At that time, further subdivision of the parcel was refused (one 45.3 ha and one 16.2 ha lot that would be used as a gravel pit).

Local Government:

Regional District of East Kootenay (RDEK)

Legal Description of Property:

PID: 010-657-240
Lot 1, District Lot 2313A, Kootenay District, Plan 12065

Purchase Date:

2006-11-01

Location of Property:

7225 Highway 3/93, Mayook Area

Size of Property:

59.5 ha (The entire property is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Breeding horses, training horses, 2 residences, shop

Surrounding Land Uses:

WEST: Crown grazing lease
SOUTH: Highway 3/93
EAST: Crown grazing lease
NORTH: Crown grazing lease

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Fort Steele - Bull River OCP No. 1804 (2005)
Designation: RR-60 - Rural Resource

Zoning Bylaw and Designation:

Zoning: N/A
Designation: N/A
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #03678-0

Applicant: H R & R D Coleman

Decision Date: May 3, 1977

Proposal: To subdivide the 117.4 ha subject property along the highway to create one 55.9 ha lot and one 61.5 ha lot. It is then proposed to subdivide the 61.5 ha lot into one 45.3 ha and one 16.2 ha lot (to be used as a gravel pit).

Decision: Allowed the subdivision of the subject property along the road only subject to the consolidation of either the parcel lying to the east of the road or the parcel lying to the west of the road with an adjacent property.
This condition was removed under Resolution 7044/1977 on the grounds that the parcel east of the highway is surrounded by Crown land and the only consolidation west of the highway would be with the applicants' 141.6 ha farm, thereby creating a unit of nearly 200 ha. The Commission maintained that it would only allow subdivision along the highway.

Application #06405-0

Applicant: BC Hydro

Decision Date: April 20, 1978

Proposal: To construct a Control Centre Building on the northwest corner of the subject property.

Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDEK: Forwarded the application with a recommendation of support.

RDEK Advisory Planning Commission: Recommended approval subject to no additional house being built on the properties.

RDEK Agricultural Advisory Commission: Accepted the application as presented.

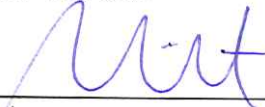
STAFF COMMENTS:

- The property was jointly purchased less than a year ago in November 2006. Before purchase, the applicants would have been aware that subdivision in the ALR is not permitted.
- Although the rationale has been provided that subdivision will allow each farm operation to better function, it will also permanently subdivide a 59.5 ha property, precluding its future use as a unit.

ATTACHMENTS:

- ALC Context Map (1:50,000)
- Orthophoto (1:20,000)
- Letter from applicants
- Sketch of proposal
- Land use map (provided by RDEK)
- Excerpt from August 14, 2007 AAC minutes

END OF REPORT



Signature

Oct 22, 07

Date