



# Provincial Agricultural Land Commission - Staff Report

## Application: 51778

**Applicants:** Todd & Linda Marshall, Dean Bloodworth, Cherie Griffett  
**Local Government:** Regional District of Central Kootenay

**Proposal:** To subdivide the property into two roughly equal parcels as divided by Mehrer Road. The landowner's plan is to built a separate residence on each proposed lot.

### BACKGROUND INFORMATION

There are no plans to develop the land for agriculture. The applicants purchased the property in June 2009.

### PROPERTY INFORMATION

**PID:** 013-262-653  
**Legal Description:** Lot 93 District Lot 812 Kootenay District Plan 730C  
**Property Area:** 3.8 ha  
**ALR Area:** 3.8 ha  
**Purchase Date:** June 29, 2010  
**Location:** 5126 Mehrer Road, Canyon  
**Owners:** Cherie Griffett, Dean Bloodworth, Todd & Linda Marshall

### LAND USE

**Current Land Use:**

The 3.8 ha property is divided into approximately two equal areas by Mehrer Road. The property is at the base of the mountain and is well treed and is used for recreational activities (camping). There are no buildings on the land.

**Surrounding Land Uses:**

North: Crown Land - mountainous terrain and well treed  
 East: Private / non farmed land, well treed, residence  
 South: Private/non farmed land, residence and storage for vehicles  
 West: Private/ non farmed land, well treed, no residence

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 3.8 ha

Number of Lots	ALR Area of Lot (ha)
2	1.9

**Agricultural Capability:**

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

**Source:** CLI

**Mapsheet:** 82F/1

### PREVIOUS APPLICATIONS

**Application ID:** 35839 **Legacy #:** 17590  
**Applicant:** Ministry of Transportation & Highways  
**Note:** Legacy File #25-84-17590, allow the roadway through the property.

## RELEVANT APPLICATIONS

**Application ID:** 23309

**Legacy #:** 10179

**Applicant:** Conroy Vanderlee

**Proposal:** To exclude the subject property from the ALR.

**Decision:**

Resolution #	Decision Date	Decision Description
694/1980	May 7, 1980	Refuse exclusion but allowed the subdivision of the property into four lots of approximately 1 ha each.

**Note:** Legacy File #02-80-10179, refused for exclusion but allowed subdivision into four lots of approximately 1 ha each.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Creston Valley OCP Bylaw 1575

**Designation:** AG1 - Agriculture

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** RDCK Zoning Bylaw 1675

**Zoning Designation:** Agriculture 1

**Minimum Lot Size:** 4.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Advisory Planning Committee**

Referred to APC and no comments were made.

#### **Agricultural Advisory Committee**

Referred to AAC and no comments were made.

#### **Board/Council**

Applications shall be forwarded to the ALC without review for subdivisions or non-farm uses that conform to planning bylaws with a completed Local Government Report and information package.

#### **Planning Staff**

The proposed subdivision complies with OCP and Zoning Bylaw requirements.

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- The proposed subdivision allows for lesser parcel size (than the 4 ha mls) where a lot, at the time of adoption of the bylaw, is divided by a highway or forest service road and where the boundaries of the highway or road will be the boundaries of the proposed lots.
- Does the presence of the road which divides the property create a significant barrier to using the property as a whole?
- An on-site meeting will benefit the Panel in its decision.

## ATTACHMENTS

51778\_ContextMap20k.pdf

51778\_AgCapabilityMap.pdf

51778\_AirphotoMap10k.pdf

# END OF REPORT

Prepared by: Ron Wallace, November 3, 2010