



Provincial Agricultural Land Commission - Staff Report

Application: 52084

Applicant: Darren Mitchell
Local Government: Regional District of East Kootenay

Proposal: SUBDIVISION - to create a 4.0 ha parcel and a 54.8 ha remainder. The proposed lot is adjacent to and would be accessed via Wardner Kikomun Road.

BACKGROUND INFORMATION

- The property is un-zoned.
- Property is assessed as residential.
- Two dwellings currently exist on the property.
- There have been two previous applications involving this property. In 1982 an application was made to subdivide DL 1967, KD into two parcels of 40 ha each and one parcel of 50 ha. This application was refused. In 1983 an application was made to exclude DL 1967, KD from the ALR for the purpose of subdividing into three parcels. The application was refused for exclusion but approved for subdivision of the property into three lots of 59 ha, 42 ha and 24 ha. The subject property, 61 ha, was created from this subdivision.

PROPERTY INFORMATION

PID: 009-292-527
Legal Description: Lot 1 District Lot 1967 Kootenay District Plan 16072
Property Area: 61.0 ha
ALR Area: 61.0 ha
Purchase Date: July 31, 1995
Location: 6363 Wardner-Kikomun Road
Owner: Darren Mitchell

LAND USE

Current Land Use:

There are two dwellings on the property. There is also a garage, storage shed, barn, hay shed, paddocks, fencing on the site.

Surrounding Land Uses:

North: Beef farm / Crown land
East: Osprey landing / Wardner
South: Residential / Grain farm
West: Crown land

PREVIOUS APPLICATIONS

Application ID: 25746 **Legacy #:** 14189
Applicant: Hoogandoorn/Kubik/LeBlanc
Note: Legacy File #21-L-82-14189. To subdivide the property into two parcels of 40 ha each and one parcel of 50 ha.

Application ID: 23678 **Legacy #:** 15633
Applicant: Edward Leblanc
Note: Legacy File #02-L-83-15633. To exclude the property for the purpose of subdividing into 3 parcels. Refused foreclosure but allowed for subdivision into three parcels of 59 ha, 42 ha and 24 ha. The subject property, 61 ha, was created from this subdivision.

RELEVANT APPLICATIONS

Application ID: 42187

Legacy #: 36150

Applicant: Michael & Debbie Zamara

Proposal: To subdivide to 64 ha parcel into one lot of 8 ha and a 56 ha remainder.

Decision:

Resolution #	Decision Date	Decision Description
564/2005	October 12, 2005	Allow subdivision provided the boundary of the lot includes the Creek with the remnant farm parcel.

Note: Legacy File #L-36150 located to the north of the subject property. The application to subdivide the 64 ha parcel into a 8 ha and 56 ha remainder was approved as the majority of the property has secondary agricultural capability ratings and that the proposed subdivision would not have significant implications on the agricultural potential of the property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

Designation: N/A

Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

Comments and Recommendations:

Advisory Planning Committee

The APC for Area C supports the application.

Agricultural Advisory Committee

The AAC supports the application; no agricultural concerns.

Board/Council

The Board adopted Resolution #41996 in support of the subdivision application.

Planning Staff

The planning staff supports the application.

ALC STAFF COMMENTS

Staff recommends the Commission consider the following comments:

- The agricultural capability of the property is mostly class 5 and 6 with stony, rocky and topographic limitations. a portion of the property has wetness limitations.
- The Commission supported a similar application for subdivision on the adjacent property to the north of the subject property. That application approved the creation of a 8 ha lot from the 64 ha property.
- The Regional District including the Agricultural Advisory Commission supports the application; no agricultural concerns.
- Further support for subdivision sets a precedent for more subdivision in this area.

ATTACHMENTS

52084_ContextMap20k.pdf

52084_AgCapabilityMap.pdf

52084_AirphotoMap20k.pdf

END OF REPORT

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