



# Provincial Agricultural Land Commission - Staff Report

## Application: 52210

**Applicant:** Roland & Rainer Wurst  
**Local Government:** Regional District of East Kootenay

**Proposal:** SUBDIVISION - Proposal: to subdivide 17.4 ha parcel into one 8.1 ha parcel and one 9.3 ha parcel

### BACKGROUND INFORMATION

The subject site is a 17.4 ha parcel located south of the Kimberley Highway and immediately north of the St. Mary River near Wycliffe. The parcel consists of a riverfront bluff and an approximately 5 ha lower, flat area in the southwest portion of the property. The residence, which includes a duplex and garage/shop, are located on a bench below the bluff top and above the lower flat area. Two smaller (2 - 3 ha) residential lots are located to the north of the parcel, adjacent to the highway.

### PROPERTY INFORMATION

**PID:** 009-380-922  
**Legal Description:** District Lot 8748 Kootenay District, Except Parts Included in Plans 14768 and 16829  
**Property Area:** 17.7 ha  
**ALR Area:** 17.7 ha  
**Purchase Date:** October 28, 2002  
**Location:** 3288 Garry Road, Wycliffe Area  
**Owner:** Roland & Rainer Wurst

### LAND USE

**Current Land Use:**  
 Rural residential

**Surrounding Land Uses:**

North: Residential / Grain - Forage / Road  
 East: Farmland - grain/forage  
 South: River / Grain / Forage/ Residential  
 West: Grain / Forage

### PREVIOUS APPLICATIONS

**Application ID:** 39415 **Legacy #:** 25059

**Applicant:** Roland & Rainer Wurst  
**Proposal:** Approval to construct a duplex on the property.  
**Decision:**

Resolution #	Decision Date	Decision Description
3/1991	January 22, 1991	Approval of request to construct a duplex in order to accommodate the owners mother.

## PREVIOUS APPLICATIONS

**Application ID:** 25633

**Legacy #:** 17086

**Applicant:** Lillian Ermacora

**Decision:**

Resolution #	Decision Date	Decision Description
1734/1983	December 7, 1983	Approval of subdivision of a 36.3 ha parcel into 5 parcels of 2.8, 3.0, 4.5, 9.0, and 17.0 ha respectively.

**Note:** Subdivision that created the subject parcel and adjacent parcels. Commission minutes note that a Ministry of Highways gravel pit was located on the subject parcel at the time.

## RELEVANT APPLICATIONS

**Application ID:** 41695

**Legacy #:** 35763

**Applicant:** Edsel Aucoin

**Proposal:** To subdivide the subject parcel, DL 2045, along Highway 95A into two lots of roughly equal size.

**Decision:**

Resolution #	Decision Date	Decision Description
126/2005	March 3, 2005	Approved in view of physical separation caused by Highway and steep topography of area to south of Highway

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Rockyview OCP

**Designation:** Large Holdings 2-8ha

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Wycliffe Zoning & Fldplain Mgmt Bylaw

**Zoning Designation:** RR-8

**Minimum Lot Size:** 8.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Advisory Planning Committee**

The APC for Area C supports the application.

#### **Agricultural Advisory Committee**

Supports the application as there does not seem to be any agricultural concerns, the property is steep and there does seem to be several of the same size properties in the area.

#### **Board/Council**

The RDEK Board reviewed this application at its meeting on March 4, 2011. After consideration, the Board adopted Resolution 42205 in support of the subdivision.

## ALC STAFF COMMENTS

- The agricultural capability of the majority of the site is low; however, there is a lower, flat area in the southwest portion of the site that appears to have higher capability.

- The proposed 20 ha lot would consist primarily of the lower, flat area, with a small portion of steep hillside descending from Garry Road. Access to the site may require an easement over a neighbouring property. In addition, due to the steepness of the slope, there may not be a suitable home site outside of the lower (and presumably more productive) flat area.

- A site visit will help to determine the agricultural impacts of the proposed subdivision.

## **ATTACHMENTS**

52210\_ContextMap20k.pdf  
52210\_AirPhotoMap.pdf  
52210\_AgCapabilityMap.pdf

## **END OF REPORT**

**Prepared by:** Lily Ford, April 19, 2011