



Provincial Agricultural Land Commission - Staff Report

Application: 52247

Applicant: Marilyn Demers
Local Government: Central Kootenay

Proposal: EXCLUSION - Exclusion of two adjacent properties totalling 5.2 ha from the ALR.

BACKGROUND INFORMATION

On May 10, 1983, the Commission allowed subdivision of the property into the two lots that are the subject of this application. In allowing the subdivision, the Commission noted that the majority of the property was rated 5T and could perhaps be better utilized in smaller "hobby farm" parcels.

On April 21, 1987, the Commission passed Resolution 784/87 endorsing consideration of exclusion applications for properties in the Blewett area, including the subject parcel. The resolution was made following a comprehensive review of the Blewett area, including its agricultural capability, topographic constraints, parcelization, agricultural activity, and general configuration of as an agricultural land form. In the following years, the Commission approved all exclusion applications that it received from the area, and in 1997 initiated a block exclusion application for all remaining ALR lands in Blewett. Upon request from the Regional District of Central Kootenay, the Commission tabled the block exclusion application pending development of a community plan and establishment of an Agricultural Advisory Committee (AAC). On January 26, 2000, the Commission passed Resolution #38/2000 in support of a much smaller exclusion proposal made by the newly formed AAC. In 2001, the Commission directed staff to actively encourage the Regional District of Central Kootenay to either accept the delegation of decision making in the Blewett area or the block exclusion of Blewett from the ALR (Resolution #660/2001).

Prior to the block exclusion review, two soil studies were undertaken in the Blewett area. A 1979 study by Ivan Cotic of the Ministry of Agriculture and Food rated the majority of the subject property as 5T, with small areas of 4T and 6T soils in the center west and south portions of the property respectively. A 1986 report by soils consultant Terry Lewis rated the majority of the property as 4T, 5T, and 7T, and the center west portion of the property as 5W improvable to 4W. Lewis characterized the primary soil unit as follows: gravelly sandy loam glacial till with appreciable cobble and stone content; moderately well drained with relatively impermeable basal till (hardpan) at +/- 1 meter. He noted the 5W (4W) soils were similar but poorly drained. According to maps prepared by Lewis, slopes on the property range from 9% to 15% in the center west of the property to 28% to 45% in the northern part of the property.

PROPERTY INFORMATION

PID:	009-292-403
Legal Description:	Lot 2 District Lot 6890 Kootenay District Plan 15796
Property Area:	2.0 ha
ALR Area:	2.0 ha
Purchase Date:	January 28, 1991
Location:	
Owner:	Marilyn Demers
<hr/>	
PID:	009-292-381
Legal Description:	Lot 1 District Lot 6890 Kootenay District Plan 15796
Property Area:	3.2 ha
ALR Area:	3.2 ha
Purchase Date:	June 28, 1988
Location:	
Owner:	
<hr/>	
Total Land Area:	5.2 ha
Total ALR Area:	5.2 ha

LAND USE

Current Land Use:

Residential/Hobby Farm

Surrounding Land Uses:

North: Undeveloped/ Vindusky Road
East: Rural Residential
South: Rural Residential / Blewett Road
West: Rural Residential

PROPOSAL DETAILS

Exclusion Area: 5.2 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 82F/6

PREVIOUS APPLICATIONS

Application ID: 15365

Legacy #: 31626-1

Applicant: Provincial Agricultural Land Commission

Proposal: Block Application - The Agricultural Advisory Commission of Electoral Area E has recommended that only 4.8 ha be excluded from the ALR in Blewett.

Decision:

Resolution #	Decision Date	Decision Description
38/2000	January 27, 2000	Commission agreed to accept Blewet AACs alternative block exclusion as proposed, but left inclusion component up to RDCK. Commission will defer decisions on any further applications until a plan is completed.

Application ID: 9779

Legacy #: 15906

Applicant: Glen White

Proposal: To s/d the property into 2 lots of 3.2 and 2.3 ha.

Decision:

Resolution #	Decision Date	Decision Description
641/1983	May 10, 1983	Allowed.

Application ID: 8858

Legacy #: 31626

Applicant: Provincial Agricultural Land Commission

Proposal: Block Application - To exclude approximately 400 ha from the ALR in the Blewett area because of poor agricultural capability. This is a Commission initiated block exclusion proposal.

Decision:

Resolution #	Decision Date	Decision Description
763/1997	November 17, 1997	The Commission tabled the proposal until the Regional District declared its intentions as to how it would determine an appropriate ALR boundary in the Blewett area

RELEVANT APPLICATIONS

Application ID: 40891

Legacy #: 35161

Applicant: David Oosthuizen

Proposal: To have the subject property removed from the ALR as the land is too steep to farm. Approximately half of the property, or 3 ha, is within the ALR.

Decision:

Resolution #	Decision Date	Decision Description
202/2004	March 17, 2004	Allow exclusion of the property from the ALR due to its limitation for agriculture.

Application ID: 20054

Legacy #: 34537

Applicant: Ward Weger

Proposal: To exclude the two parcels in question (7.2 ha) from the ALR to enable the owner to build a second home on the property without subdivision.

Decision:

Resolution #	Decision Date	Decision Description
537/2002	October 10, 2002	Allow the exclusion of the two properties totalling 7.2 ha on grounds consistent with past decision making in the Blewett area and poor agricultural potential.

Application ID: 9777

Legacy #: 10088

Applicant: Roderick & Ethel McDonald

Proposal: Permission to subdivide the property into 1 lot of .75 ac. and 3 of .43 ac.

Decision:

Resolution #	Decision Date	Decision Description
656/1980	April 22, 1980	Allowed.

Note: The subject property is located immediately southwest of the Demers property.

Application ID: 9515

Legacy #: 31908

Applicant: Fred & Colleen Jmaeff

Proposal: Propose to exclude the two properties which are 7.44 ha and 8 ha in size of which approximately 9.4 ha are in the ALR. The applicants propose to subdivide the properties into .8 ha lots for residential and industrial (gravel pit).

Decision:

Resolution #	Decision Date	Decision Description
436/1998	June 22, 1998	Allowed.

Note: The subject property is located immediately west of the Demers 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:

Planning Staff

In a Local Government Report dated March 18, 2011, Planning Staff of the Regional District of Central Kootenay made the following comments: The RDCK has no objection to the proposed exclusion of the lands under application. There is no Official Community Plan or Zoning bylaw in the area.

ALC STAFF COMMENTS

- The agricultural capability of the subject parcel is 4T according to Canada Land Inventory (CLI) map 82F/6.
- As discussed in the Background section above, previous soil reports for the Blewett area assign a 4T rating to only a portion of the property, and rate the remainder of the property as 5T to 7T.
- The Commission has previously excluded properties to the west of the site that have similar agricultural capability ratings.
- The Commission supported exclusion of the subject property in its 1987 resolution regarding ALR lands in Blewett, and in its subsequent 1997 block exclusion proposal.
- A community plan for the Blewett area has not been completed, although an Official Community Plan process for Electoral Area E is currently underway. The Agricultural Advisory Committee for the area is no longer active.
- Surrounding properties are similar in size or smaller than the subject property. The predominant land use in the immediate area is rural residential.

END OF REPORT

Prepared by: Lily Ford, September 12, 2011