



Provincial Agricultural Land Commission - Staff Report

Application: 52255

Applicants: Teresa Mailey-Baur, Michael Baur, Chantelle Mailey, Dan Britten
Local Government: Central Kootenay

Proposal: NON-FARM USE - Request to construct a second dwelling on a 4.2 ha parcel.

BACKGROUND INFORMATION

The subject property is located in Crescent Valley, on the west side of the Slocan River. An approximately 20 meter high bluff divides the property into two benches. The lower bench contains a small residence and the upper bench is cleared but undeveloped. The two benches are connected by an access driveway. The applicants request approval to build a permanent home on the upper bench, while retaining the existing home on the lower bench. One home would be occupied by the Mailey-Baurs, and the other by their daughter and her husband, all of whom jointly own the property.

On April 20, 1998, the Commission refused a proposal to subdivide the property into two 2 ha parcels, on the basis that the property had good agricultural capability and would be more useful for agriculture in its existing size (Resolution #305/98). The Commission noted that it had not been supportive of similar subdivisions in the area.

PROPERTY INFORMATION

PID: 015-066-452
Legal Description: District Lot 6450 & 303 Kootenay District Plan 2884
Property Area: 4.3 ha
ALR Area: 4.3 ha
Purchase Date: September 30, 2008
Location: Crescent Valley
Owners: Chantelle Mailey, Dan Britten, Michael Baur, Teresa Mailey-Baur

Total ALR Area:

LAND USE

Current Land Use:

Rural Residential

Surrounding Land Uses:

North: Rural Residential
East: Slocan River
South: Rural Residential
West: Gravel Mine/Forest

PROPOSAL DETAILS

Non-Farm Use Area: 4.2 ha
Non-Farm Use Type: Residential: Additional Dwelling(s)

Agricultural Capability:

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

Source: BCLI

Mapsheet: 82F/05

PREVIOUS APPLICATIONS

Application ID: 9558

Legacy #: 31922

Applicant: Jim & Larry Rilkoﬀ

Proposal: To subdivide the 4 ha property into 2 lots to separate joint ownership of the property between 2 brothers.

Decision:

Resolution #	Decision Date	Decision Description
305/1998	April 20, 1998	Refused on the grounds that the property has the capability for agriculture, the benches are accessible to one another via road and the the Commission does not support parcelization in this area.

RELEVANT APPLICATIONS

Application ID: 52107

Applicant: Ben & Lorraine Legebokoff

Proposal: NOI - To Remove Soil for a Specified Non-farm Use - Aggregate (sand and gravel) extraction

Note: The subject property is located immediately west of the Baur property.

Application ID: 9802

Legacy #: 02079

Applicant: John Rilkoﬀ

Proposal: Request permission to s/d the property into 3 lots 1 x 5 acres and 2 x 2.5 acres.

Decision:

Resolution #	Decision Date	Decision Description
8498/1978	April 13, 1978	Refused on the grounds of agricultural capability.

Note: The subject property is located approximately 200 metres south of the Baur property.

Application ID: 9795

Legacy #: 11606

Applicant: Andrew & Lucy Tarasoff

Proposal: Request approval to locate a mobile home on the property for the applicant's mother.

Decision:

Resolution #	Decision Date	Decision Description
47/1981	January 16, 1981	Allowed subject to the conditions set out in the Temporary Mobile Home Policy.

Note: The subject property is located approximately 400 m north of the Baur property.

Application ID: 9793

Legacy #: 11645

Applicant: Vera Bonderoff

Proposal: Permission to subdivide the 10 acre property into 5 lots.

Decision:

Resolution #	Decision Date	Decision Description
302/1981	February 25, 1981	Refused on the grounds of agricultural capability.

Note: The subject property is located approximately 200 metres south of the Baur property.

Application ID: 1957

Legacy #: 28669

Applicant: Provincial Agricultural Land Commission

Proposal: Block Application - ALR review of the Slocan Valley requested exclusion of almost 900 ha of ALR land.

Decision:

Resolution #	Decision Date	Decision Description
89/1994	February 3, 1994	Partial Approval. Commission allowed exclusion of 861.0 ha and refused 32.6 ha subject to inclusion of approximately 100 ha.

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:

Electoral Area Director

Electoral Area "H" Director Walter Popoff provided the following comments:

There was an application to the ALC in 1998 App# F-31922 for subdivision of the same property and the ALC of the day denied the application for the reasons noted by the ALC, and I support that decision. Non-farm use would encourage surrounding land owners to file similar applications.

RDCK is in the process of developing an Agricultural plan for the region. Past history indicates surrounding land use was for farming activities and this particular Lot along with Lots 1, 3, and 4 were known as the Rilkoff farm.

Planning Staff

In a Local Government Report dated April 4, 2011, Planning Staff made the following comments:

There is no land use zoning or OCP in place for this parcel. Planning staff have no objections to the proposed use.

ALC STAFF COMMENTS

-- According to British Columbia Land Inventory (BCLI) map 82F/05, the agricultural capability of the upper bench is 8:6TM - 2:4MT improvable to 8:6TM - 2:3TM. The agricultural capability of the lower bench is 8:4M - 2:6TM improvable to 8:3M - 2:6TM.

-- A more detailed soils assessment undertaken during Brian McBride's 1991 Slocan Valley ALR Review gave the following rating: 50% 7T; 40% 2A; and 10% 8:3A - 2:3P, with about 1 ha of Class 2A farmland on the lower bench and 1 ha on the upper bench.

-- The property is located in an area of similar size parcels, although a small residential subdivision is located approximately 200 meters north of the site. Surrounding land uses are primarily rural residential.

-- The applicants have been advised of Section 3(1)(b) of the ALR Use, Subdivision, and Procedure Regulation (BC Reg. 171/2002), which allows placement of a manufactured home for use by immediate family members.

ATTACHMENTS

52255_AirphotoMap5k.pdf

52255_ContextMap10k.pdf

52255_AgCapabilityMap.pdf

END OF REPORT

Prepared by: Lily Ford, September 8, 2011