



# Provincial Agricultural Land Commission - Staff Report

## Application: 52310

**Applicant:** Joseph & Ursula Kotlarz  
**Local Government:** East Kootenay

**Proposal:** SUBDIVISION - Subdivision of an approximately 29 ha parcel into one 4 ha parcel and a 25 ha remainder.

### BACKGROUND INFORMATION

The subject property is located just north of the Kootenay River about 1km west of the town of Bull River. The property consists of two approximately 15 ha parcels, separated by the railroad line, that have been consolidated into one parcel. The northern portion of the property, where the proposed 4 ha lot is located, contains a single family dwelling as well as a second dwelling for farm help. The property is used for hay production and grazing, along with an adjacent 52 ha property.

### PROPERTY INFORMATION

**PID:** 017-779-758  
**Legal Description:** Lot 2 District Lot 4838 Kootenay District Plan NEP19786  
**Property Area:** 29.0 ha  
**ALR Area:** 29.0 ha  
**Purchase Date:** April 29, 2004  
**Location:** 4421 Fenwick Road, Bull River area  
**Owner:** Joseph & Ursula Kotlarz

**Total ALR Area:**

### LAND USE

**Current Land Use:**  
 Residential/Agricultural (hay and grazing)

**Surrounding Land Uses:**

North: Nature Trust  
 East: Fish Hatchery  
 South: Kootenay River  
 West: Nature Trust / Residential

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 29.0 ha

| Number of Lots | ALR Area of Lot (ha) |
|----------------|----------------------|
| 1              | 4.0                  |
| 1              | 25.0                 |

**Agricultural Capability:**

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

**Source:** CLI

**Mapsheet:** 82G/06

## RELEVANT APPLICATIONS

**Application ID:** 35796

**Legacy #:** 08909

**Applicant:** Richard & Sharon Floyd

**Note:** Resolution #12139/79. August 16, 1979. Refusal of request to exclude a 60 ha parcel from the ALR, on the basis that portions of the property have the potential for agricultural use and the development of small holdings would have a detrimental effect on neighbouring ranching operations. Upon appeal, the Environment and Land Use Committee approved subdivision of the property into one 40 ha parcel and limited subdivision of the remainder. However, the submitted plan was inconsistent with this decision and was therefore rejected by the Commission. The subject property is located immediately north of the Kotlarz property.

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**Application ID:** 25951

**Legacy #:** 10080

**Applicant:** M / R O'Grady / Morrish

**Note:** Resolution # 644/1980. March 11, 1980. Refusal of proposal to subdivide a 54 ha parcel into one 25 ha parcel and one 29 ha parcel, on the basis that the property should be kept as large as possible to maximize agricultural options. The Commission also noted that beef farms require larger acreages. The subject property is located immediately west of the Kotlarz property.

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**Application ID:** 25861

**Legacy #:** 17087

**Applicant:** R J / M Morrish / O'Grady

**Note:** Resolution #1717/1983. December 6, 1983. Refusal of proposal to subdivide a 54 ha parcel into one 25 ha parcel and one 29 ha parcel, on the basis that the subject parcel has good potential for agricultural utilization and the proposed subdivision would reduce the agricultural options available on the property. The subject property is located immediately west of the Kotlarz property.

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**Application ID:** 25646

**Legacy #:** 03607

**Applicant:** R H Floyd

**Note:** Resolution #5895/1977. March 29, 1977. Refusal of a proposal to subdivide a 60 ha parcel into five 8 ha parcels and two 10 ha parcels, on the basis that the proposed development could have a negative impact on the ranching community. The subject property is located immediately north of the Kotlarz property.

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## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Fort Steele - Bull River Land Use Bylaw

**Designation:** Rural Resource (RR60)

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** N/A

**Zoning Designation:** N/A

### Comments and Recommendations:

#### **Advisory Planning Committee**

The Advisory Planning Commission for Area C recommends approval, but notes that the location appears too close to the existing roadway to the Kotlarz home and feels that a more easterly location would provide more suitable separation from the existing road.

#### **Agricultural Advisory Committee**

The Agricultural Advisory Commission recommends approval; proposal has no impact on agriculture.

#### **Board/Council**

On May 6, 2011, the Regional District of East Kootenay Board adopted Resolution 42330 in support of the application.

#### **Electoral Area Director**

Electoral Area "C" Director Gay supports the application.

## **ALC STAFF COMMENTS**

-- The agricultural capability of the northern portion of the property, where the proposed subdivision is located, is 5MT improvable to 7:4TP 3:3M. The southern portion of the property is rated 9:5M 1:5W.

-- The applicants use the property for hay production and grazing, along with an adjacent 52 ha parcel. The property is assessed as a farm by BC Assessment. The intent of the subdivision is to involve additional family members in farming operations.

-- The proposed subdivision has been submitted to the Regional District of East Kootenay pursuant to Section 946 of the Local Government Act. Although the minimum parcel size for Rural Resource (RR60) designated lands is 60 ha, the Fort Steele-Bull River Land Use Bylaw supports a reduction in the minimum parcel size for Section 946 subdivisions.

-- Nearby parcels range from 8 ha to 77 ha in size. The parcels immediately surrounding the property are owned by two non-profit conservation organizations, the Nature Trust of BC and the Freshwater Fisheries Society of BC.

## **END OF REPORT**

**Prepared by:** Lily Ford, September 6, 2011