



Provincial Agricultural Land Commission - Staff Report

Application: 52360

Applicant: Janet McLean and Elisabeth Knight
Agent: Shirley Kosiancic
Local Government: Central Kootenay

Proposal: SUBDIVISION - Subdivision of an approximately 9.9 ha parcel into two approximately 4.8 ha parcels. Approximately 9.3 ha is located within the ALR.

BACKGROUND INFORMATION

The subject property is located in Burton, just south of the town centre and north of Caribou Creek.

On December 18, 1992, the Commission refused a proposal to subdivide two 2 ha parcels from the subject site, on the basis that the property had agricultural capability suitable for crops or pasture. The Commission noted that it had previously denied an exclusion request but allowed subdivision of the parcel along the ALR boundary, but that the applicants had not acted upon that approval. Subsequent to this decision, it appears that all but approximately 0.6 ha of the non-ALR portion of the site was subdivided from the property.

PROPERTY INFORMATION

PID: 010-107-665
Legal Description: Lot 1, DL 7700, Kootenay District Plan 14190 Except Plans NEP59276 and NEP77700
Property Area: 9.9 ha
ALR Area: 9.3 ha

Location:
Owner: Janet McLean and Elisabeth Knight

Total ALR Area:

LAND USE

Current Land Use:
 Undeveloped/Partially Cleared

Surrounding Land Uses:
 North: Residential/Undeveloped
 East: Gravel Extraction
 South: Residential/Caribou Creek
 West: Small Lot Residential Subdivision

PROPOSAL DETAILS

Subdivision - ALR Area: 9.3 ha

Number of Lots	ALR Area of Lot (ha)
1	4.9
1	4.4

Agricultural Capability:
 The majority of the area under application is rated as: Prime Dominant

Source: CLI

Mapsheet: 82F/13

PREVIOUS APPLICATIONS

Application ID: 42686

Legacy #: 24806

Applicant: Oli & Norman HALLDORSON

Note: Resolution #996/1990. November 29, 1990. Refusal of proposal to exclude the 10 ha ALR portion of an approximately 11.7 ha parcel, on the basis that the property has agricultural capability suitable for crops or pasture. The Commission allowed subdivision of the parcel along the ALR boundary.

Application ID: 869

Legacy #: 27033

Applicant: NORMAN & OLI HALLDORSON

Note: Resolution #1263/1992. December 18, 1992. Refusal of proposal to subdivide two 2 ha parcels from an approximately 11.7 ha parcel, 10 ha of which is in the ALR, on the basis that the property has agricultural capability suitable for crops or pasture. The Commission noted that it had previously allowed subdivision of the parcel along the ALR boundary, but that the applicants had not acted upon that approval.

RELEVANT APPLICATIONS

Application ID: 10520

Legacy #: 32156

Applicant: Cental Kootenay

Proposal: Block Application - The Regional District of Central Kootenay are proposing to exclude approximately 240 ha from the ALR in Electoral Area K, based on the Commission's review of the bylaw, a consultant's comments (G. Runka) and submissions made at the public hearing.

Decision:

Resolution #	Decision Date	Decision Description
757/1998	October 21, 1998	The Commission did not allow the proposal as requested on the grounds that some of the lands proposed for exclusion appeared to have reasonable agricultural capability. Only 114 ha was permitted exclusion on the grounds of either parcelization, poor soil capability or existing non farm uses. The remaining 126 ha was refused.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Arrow Lakes OCP

Designation: Agriculture (A)

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: RDCK Zoning Bylaw

Zoning Designation: Agriculture (AG4K)

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Planning Staff

In a Local Government Report dated June 17, 2011, Planning Staff for the Regional District of Central Kootenay (RDCK) noted that the proposal posed "no apparent conflict with RDCK bylaws." It also noted that the proposal had been referred to the Area Director.

ALC STAFF COMMENTS

-- The agricultural capability of the subject property is primarily 4MP improvable to 3PM. A small panhandle in the southern portion of the site is rated as 6:5PI - 4:7PI.

-- The parcel is surrounded by smaller lots. Some of the parcels, particularly to the east and north, are between 5 ha and 7 ha in size. However, smaller (< 1 ha) lots are also found to the north of the site, as well as to the south, and a small lot residential subdivision is located immediately to the west.

-- Two of the larger lots nearby appear to be used for agriculture; several gravel mining operations are found on the lots to the east. The remaining lots contain primarily residential uses.

END OF REPORT

Prepared by: Lily Ford, September 9, 2011