



Agricultural Land Commission Staff Report

DATE: January 25, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 51150
PROPOSAL: To exclude 59.5 ha from the ALR. A soils analysis has been undertaken by M. Malmberg, P.Ag. confirming that the property has limited capability for agriculture due to poor soils and rough topography.

PROPOSAL INFORMATION

Background: The Commission previously refused the subdivision of the property (see file:
Received Date: 44419).
Applicant: December 10, 2009
Agent: Frank and Rhonda Elzinga
Local Government: N/A
Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 010-657-240
Legal Description: Lot 1, District Lot 2313A, Kootenay District, Plan 12065
Civic Address: 7225 Highway 3/93, Mayook Area
Area: 59.5 ha
ALR Area: 59.5 ha
Purchase Date: October 10, 2006
Owners: Dan and Marlene May
Frank and Rhonda Elzinga

Total Land Area: 59.5 ha
Total ALR Area: 59.5 ha
Current Land Use: Two residences, forested and pasture areas, farm outbuildings.

PROPOSAL DETAILS

Exclusion

Area	Agricultural Capability	Agricultural Capability Source
59.5	Mixed Prime and Secondary	On-Site

Surrounding Land Uses:

North Crown grazing lease in the ALR
East Crown grazing in the ALR
South 3 - 21 ha undeveloped parcels in the ALR
West 3 - 21 ha undeveloped parcels in the ALR

Official Community Plan

Bylaw Name: Not applicable

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: Fort Steele - Bull River Land Use bylaw

Zoning Designation: RR-60

Minimum Lot Size: 60.0 ha

Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 44419

Applicant: Dan and Marlene May

Proposal: To subdivide the 59.5 ha subject property to create a 23.1 ha lot and a 36.4 ha lot to provide separate title for each of the families who own the land.

Decisions:

Resolution Number	Decision Date	Decision Description
674	November 1, 2007	Refused due to impact on agriculture.

Note: Legacy File # 37676 - Subdivision

RELEVANT APPLICATIONS

Application #: 45564

Applicant: Dalton and Stacey Coleman

Proposal: Subdivision for a relative: To subdivide the 62.4 ha subject property into three (3) properties of approximately 20.8 ha each.

Decisions:

Resolution Number	Decision Date	Decision Description
200	May 27, 2009	The Commission allowed the three lot subdivision because the lands had very limited agricultural capability.

Note: The approved subdivision lies southwest of the subject property, across the highway.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	RDEK planning staff recommended that the exclusion application be refused, but that subdivision be permitted.
Board/Council	Refuse	The Regional District of East Kootenay Board did not support exclusion, but did support subdivision.
Agricultural Advisory Committee	Refuse	The AAC recommends that the exclusion be refused, but that subdivision be allowed.
Advisory Planning Committee	Approve	The APC for Electoral Area C recommends approval for exclusion.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The soil analysis undertaken by M. Malmberg assesses the southerly 1/3 of the property rated CLI class 4F (2X). The remainder of the property is rated CLI 6T. The analysis reveals that scattered arable blocks totalling 5 ha cannot be irrigated due to a shortage of water. The remaining area is rated as Class 5 or 6.
- 2) The Commission allowed the subdivision of the property lying to the southwest into three 21 ha lots due to the land's poor agricultural capability.
- 3) The Regional District of East Kootenay does not support exclusion. Instead it recommends that the property be subdivided into two parcels of roughly equal size to divide ownership. Both the planning staff and AAC concur with this recommendation.
- 4) A letter of opposition to the proposal indicates that exclusion may allow for future development not consistent with the surrounding area.

ATTACHMENTS

51150_AirphotoMap50k.pdf
51150_AirphotoMap20k.pdf
51150 sketch plan.pdf
51150 soils report.pdf

END OF REPORT

Signature

Date