



Agricultural Land Commission Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51654
PROPOSAL: Subdivision

PROPOSAL INFORMATION

Background: Two individual residences on Lot A. Single residence on Lot 1 would remain residential. The residence with the garage and barn on proposed Lot 2 is a residence with holding area for cows and horses in transit to Alberta. This usage would remain the same after subdivision

Received Date: March 17, 2010

Applicant: Albert & Geraldine Holmes

Agent: N/A

Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 023-739-185

Legal Description: Lot A District Lot 3005 Kootenay District Plan NEP58958

Civic Address: 9416 Holmes Road, Fort Steele

Area: 6.9 ha

ALR Area: 6.9 ha

Purchase Date: April 18, 1997

Owner: Albert & Geraldine Holmes

Total Land Area: 6.9 ha

Total ALR Area: 6.9 ha

Current Land Use: Residential (2 residences) with garage (shop & storage) & barn (individual stalls for horses/cows) and holding area for cattle/horses enroute to Alberta.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
6.9	Mixed Prime and Secondary	CLI

Number of Lots **Lot Size (ha)**

1 2.0
1 4.9

Surrounding Land Uses:

North Private - Vacant
East Private - Vacant
South Private - Vacant
West Crown Land with landfill transfer station, Hwy 93/95

Official Community Plan

Bylaw Name: Fort Steele- Bull River Land Use Bylaw
Designation: Rural resource (RR-60)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: there is no zoning bylaw for this area
Zoning Designation: none
Minimum Lot Size: 60.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 2996
Applicant: Albert & Geraldine Holmes
Proposal: The applicants wish to subdivide a 6.9 ha parcel (which contains the homesite from the remainder of the 113.3 ha property).

Decisions:

Resolution Number	Decision Date	Decision Description
307	April 19, 1995	Not in ATS

Note: This application created the subject property.

RELEVANT APPLICATIONS

Application #: 44561
Applicant: Albert & Geraldine Holmes
Proposal: Subdivision for a Relative: To subdivide the 295 ha subject property to create a 17.9 ha parcel, a 25.2 ha parcel and a 252 ha remainder. One parcel is intended for the applicants granddaughter. The Nature Conservancy may be interested in the remainder.

Decisions:

**Resolution
Number**

112

Decision Date

March 27, 2008

Decision Description

Allowed with conditions.

Note: adjacent property to the east

Application #: 40521

Applicant: Holmes Cattle Co.

Proposal: To subdivide off a 2 ha parcel from the south end of the subject property. The applicant wishes to sell the proposed 2 ha lot to help recoup the cost of a 13,000 gallon cistern that was recently built in the vicinity for their cattle and Christmas tree operation. An easement would be required through the proposed lot for the existing water main.

**Decisions:
Resolution
Number**

402

Decision Date

August 27, 2003

Decision Description

Allow as requested.

Note: property is to the northwest of the subject property

Application #: 3275

Applicant: Albert Holmes

Proposal: Subdivide D.L. 7214 into two parcels of 18.8 ha and 58.9 ha, and s/d D.L. 55 into two parcels of 1.3 ha and 29.1 ha as divided by the road.

**Decisions:
Resolution
Number**

1083

Decision Date

November 18, 1985

Decision Description

Not in ATS

Note: Allowed with conditions.

Application #: 3274

Applicant: Ministry of Forests / Holmes

Proposal: Subdivide two 64.9 ha lots into 55.4 ha, 38.4 ha, 91 ha, and 10 ha. consolidating a portion of the land with an adjacent property. The strategy is to protect Big Horn Sheep wintering habitat.

**Decisions:
Resolution
Number**

473

Decision Date

April 23, 1987

Decision Description

Not in ATS

Note: Allowed as requested.

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Approve

Recommend that the application be supported; the proposal is consistent with the Fort Steele- Bull River Land Use Bylaw No. 1804, 2005; minimum parcel size is 60 ha.

Board/Council

Approve

supports the application.

Agricultural Advisory

See Report

accepted the application as presented and noted no

Committee
Advisory Planning
Committee

Approve

agricultural impact.
Recommended approval.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property is improvable to Class 2, 3, 4 and 6 with the limitations of topography, a combination of soil factors and moisture deficiency.
- The applicants have owned the property since April 1997.
- A previous application (#29659) created the subject property. It was initially refused on the grounds that it reduced the real farmable area, may drive speculative activity and inflate property values which would carry corresponding hardships for actual or potential agricultural interests in the area. However, the Commission was requested to reconsider its proposal in order to allow Geraldine Holmes to retain her home should her husband predecease her. The Commission allowed the subdivision at this time with the condition that the remainder of the property be consolidated with an adjacent piece.
- The applicants have submitted a letter which is appended to this staff report outlining that the purpose of this subdivision is to separate the two houses. The applicant mentioned that the second house was built twelve years ago by the applicant's daughter and now she wishes to sell the house which can only be accomplished through subdivision of the property.
- Through discussion with the applicants, it was mentioned that they would prefer a 1.2 ha property as opposed to the proposed 2.4 ha property recommended by the local government.
- Should the Commission be inclined to allow this subdivision it is suggested that it considers requesting consolidation of the portion of land containing the barn and the temporary holding area for cows and horses in transit to Alberta with an adjacent parcel which is described on the Local Government's Land Use map as a mixed farm of Christmas trees and grazing land.

ATTACHMENTS

51654 lg report.pdf
51654 proposal.pdf
51654_ContextMap20k.pdf
51654_AgCapabilityMap.pdf
51654_AirphotoMap10k.pdf

END OF REPORT

Signature

Date