



Provincial Agricultural Land Commission - Staff Report

Application: 51790

Applicant: Jeremy & Diana Walker
Local Government: Regional District of East Kootenay

Proposal: To subdivide the 83.7 ha property into four lots of approximately 21 ha each. The applicant claims that the property has low capability for agriculture due to steep topography and that the proposed subdivision would not significantly impact its agricultural potential. Two of the proposed lots are for family members and the remaining two lots would be sold outside of the family.

BACKGROUND INFORMATION

The applicants submitted a proposal, April 2010, to create 6 lots ranging in size from 3.6 ha to 36 ha which was supported by the APC but was not supported by the AAC or the RDEK Board. As a result the application was amended to the current proposal.

PROPERTY INFORMATION

PID: 007-267-291
Legal Description: District Lot 284 Kootenay District EXCEPT 1)Part included in RW Plan DD15976, Secondly: Plans 7825 & 17453 and NEP77399
Property Area: 83.7 ha
ALR Area: 83.7 ha
Purchase Date: February 19, 2005
Location: south of Fort Steele
Owner: Jeremy & Diana Walker

LAND USE

Current Land Use:
 The property is assessed as a beef farm with one residence on the property.

Surrounding Land Uses:
 North: Private Residential
 East: Crown Land and Kootenay River
 South: Crown Land and Kootenay River
 West: Private Residential / Private Vacant

PROPOSAL DETAILS

Subdivision - ALR Area: 83.7 ha

Number of Lots	ALR Area of Lot (ha)
3	21.0
1	20.7

Agricultural Capability:
 The majority of the area under application is rated as: Secondary
Source: CLI
Mapsheet: 82G.053

PREVIOUS APPLICATIONS

PREVIOUS APPLICATIONS

Application ID: 16960

Legacy #: 33786

Applicant: Tim Fox

Proposal: To subdivide the subject property into two roughly equal parcels as divided by Wardner/Fort Steele Road. The applicants' father owned the property since 1939 and with his recent passing has bequeathed the property to his two sons. With subdivision each son acquiring a lot.

Decisions:

Resolution #	Decision Date	Decision Description
2673/2010	June 25, 2003	Allow as requested as there is a net benefit to agriculture in the area.
308/2001	May 24, 2001	Refused as the proposed subdivision would reduce the agricultural potential of the property.

Note: legacy file # L-33786. (Created the subject property)

Application ID: 8515

Legacy #: 11148

Applicant: Ken Fox

Proposal: Request permission to subdivide a lot of approx. 25 ac where it will be severed by the relocation of the Wardner - Fort Steele Highway. The lot is for the applicant's son.

Decision:

Resolution #	Decision Date	Decision Description
1900/1980	October 7, 1980	Refused. The highway relocation is uncertain and therefore subdivision premature.

Note: Legacy file # L-11148.

RELEVANT APPLICATIONS

Application ID: 44118

Legacy #: 37493

Applicant: Andreas Felber

Proposal: Subdivision for a Relative: The proposal is to subdivide the 9 ha subject property to create a 2.24 ha parcel for the applicants daughter leaving a residential 6.7 ha remainder parcel.

Decision:

Resolution #	Decision Date	Decision Description
672/2007	November 1, 2007	Refused due to surrounding parcel size and impact on surrounding areas.

Note: Legacy file #L-37493. Lies to the east of the subject property

Application ID: 8514

Legacy #: 18087

Applicant: Ken Fox

Proposal: Proposed to subdivide 10 ha from the 164.8 ha property for the applicant's son and daughter in law.

Decision:

Resolution #	Decision Date	Decision Description
1162/1984	August 21, 1984	Allowed

Note: Legacy file #L-18087

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Fort Steele-Bull River Land Use Bylaw

Designation: RR-60, Rural Resource

OCP Compliance: No

LOCAL GOVERNMENT INFORMATION

Zoning:

Zoning Bylaw Name: N/A
Zoning Designation: Rural Resource
Minimum Lot Size: 60.0 ha
Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

The APC for Area C recommended approval.

Agricultural Advisory Committee

The AAC recommended the application not be supported as it may have negative impact on agriculture in the area.

Board/Council

The RDEK Board reconsidered the revised ALR Subdivision application for the Walker property at its meeting on May 7, 2010. After consideration, the Board adopted Resolution 41454 in support of the revised application.

Planning Staff

The application not be supported, as it is not consistent with fort Steele - Bull River Land Use Bylaw policies.

ALC STAFF COMMENTS

The subject property has some agricultural capability limitations due to topography, low fertility and combination of soil factors.

The subject property is assessed as a beef farm, and the proposed subdivision could further limit its suitability for agricultural use and potentially set a precedent for future subdivision requests in the local area.

ATTACHMENTS

51790map.pdf
51790staffreport.pdf
51790_ContextMap50k.pdf
51790_AgCapabilityMap.pdf
51790_AirphotoMap.pdf

END OF REPORT

Prepared by: Ron Wallace, October 14, 2010