



Provincial Agricultural Land Commission - Staff Report

Application: 51818

Applicant: James & Maureen Haynes
Agent: Agri-Solutions Consulting
Local Government: Regional District of Kootenay-Boundary

Proposal: To subdivide a 3.23 ha (8 acre) lot in the northeast corner of the subject property. The parcel would be sold to their son-in-law's mother. A well was recently established on the property, but there are no other structures.
To address concerns about possible negative impact to ALR lands, the applicants are willing to add land to the ALR from a couple of possible sites, from other parcels they own. One suggestion is the western portion of the subject property under application, which is not in the ALR and has lower agricultural capability (Class 5-6). A second suggestion is on a lot to the east which has an agricultural capability of Class 6-7.

BACKGROUND INFORMATION

An agrologist report has been prepared by Shane Cote, PAg of Agri-Solutions Consulting for the applicant. The report provides a professional opinion that the proposed subdivision will not negatively impact agriculture in the area.

The property was the subject of a similar subdivision proposal in 1980, made by the same applicant. The application was refused and upon reconsideration in 1982 was denied again. It is because of the concerns raised by the ALC at the time that the applicant is willing to include suitable land into the ALR to compensate for the potential negative impact to range land in the area.

PROPERTY INFORMATION

PID: 014-778-696
Legal Description: District Lot 4618 Similkameen Division Yale District
Property Area: 96.5 ha
ALR Area: 91.1 ha
Purchase Date: October 12, 2000
Location: 1325 Myncaster Road, southwest of Rock Creek
Owner: James & Maureen Haynes

LAND USE

Current Land Use:

The parent parcel is used for dryland farming, with Rye being the primary crop with fall cattle grazing. The portion of the parcel proposed for subdivision has never been farmed. There is one single family dwelling on the south eastern portion of the parent parcel.

Surrounding Land Uses:

North: Undeveloped, Rock Creek Canyon
East: Agriculture
South: Agriculture
West: Crown land

PROPOSAL DETAILS

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Subdivision - ALR Area: 91.1 ha

Number of Lots	ALR Area of Lot (ha)
1	3.2
1	87.9

Agricultural Capability:

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

Source: CLI

Mapsheet: 82E/3

PREVIOUS APPLICATIONS

Application ID: 28023

Legacy #: 11570

Applicant: James Haynes

Proposal: To subdivide a 3.23 ha (8 acre) parcel from the northwest portion of the property as divided by the road.

Decisions:

Resolution #	Decision Date	Decision Description
1452/1982	July 15, 1982	Refused on the grounds that the creation of the lot would be an intrusion of small lots into a range area and would affect the agricultural potential of the area. The Commission however would consider permitting the subdivision of the proposed lot were it to be consolidated with an adjacent property.
2270/1980	December 18, 1980	Refused on the grounds that physical separation of the proposed lot from the main parcel by a road is no reason for allowing the subdivision, especially in an area where a large number of farmers farm on both sides of a main highway.

Note: Legacy file #11570.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

Designation: N/A

Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

Comments and Recommendations:

Advisory Planning Committee

The APC supports the application, subject to the land under application staying in the ALR, the additional land being included in the ALR, and the applicant registering a covenant on title prohibiting further subdivision of the remainder. They deem the proposed lot under consideration as not conducive to agriculture.

Board/Council

The RDKB Board of Directors forward the application for subdivision to the ALC without a recommendation.

Planning Staff

That the application for subdivision in the ALR be forwarded to the ALC without recommendation.

ALC STAFF COMMENTS

As noted under previous applications, the property was the subject of a similar subdivision proposal in 1980, which

ALC STAFF COMMENTS

the ALC refused, and upon reconsideration, the request was again refused in 1982. Based on the concerns raised by the ALC at that time the current proposal is offering to include other land they own into the ALR, to compensate for the creation of the proposed rural residential lot.

Regardless of the proposal to include other land into the ALR, the creation of the proposed lot would still be an intrusion of a small lot into an area suitable for large lot agriculture.

ATTACHMENTS

51818_ContextMap50k.pdf
51818_AgCapabilityMap.pdf
51818_AirphotoMap20k.pdf
51818Agrolrep.pdf
51818govreport.pdf

END OF REPORT

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