



Provincial Agricultural Land Commission - Staff Report

Application: 51844

Applicant: Harry & Jillian Leuenberger
Local Government: Regional District of East Kootenay

Proposal: To subdivide the subject 69.5 ha property into one 0.6 ha parcel, one 18 ha parcel and a remainder of approximately 51 ha as divided by Bull River South Road. The proposed 0.6 ha lot would be for the applicant's son who is actively involved with the farm and guiding business on the property. The proposed 18 ha property would be for the applicant's to retire on. The proposed remaining 51 ha property would continue to be farmed, used as their guide outfitting business and log cabin construction business.

BACKGROUND INFORMATION

The subject property is divided by Bull River South Road. The proposal to create two new parcels are divided by this road. The north portion of the property adjacent to the Bull River, is proposed for a 18 ha lot. The historic use of this area was mainly water storage for old Bull town (the water tower still exists). Water was also dammed on the Bull River to create the mill pond for floating by flume ties and logs to the old mill yard into Bull Town. The area of the property proposed for a 0.6 ha lot was historically residential use and not used for agriculture due to its small size and detachment from the remainder of the property.

PROPERTY INFORMATION

PID: 013-591-819
Legal Description: Sublot 41 District Lot 4590 Kootenay District Plan X28(1) Except (1) That Part Included in Reference Plan 45287I and (2) Part Included in Plan 7934 (3) Plan 8237
Property Area: 69.5 ha
ALR Area: 69.5 ha
Purchase Date: April 21, 2000
Location: community called Bull River
Owner: Harry & Jillian Leuenberger

LAND USE

Current Land Use:

The portion of the property proposed for a 45 ha lot is currently used for the owner's residence, small horse breeding facility and guide outfitting business. the property is also used for dry land grazing of up to 6 animals from mid May to mid october each year.

Surrounding Land Uses:

North: Bull River and north of river is Crown Land used for grazing cattle, public recreation. Also includes land purchased by Fish and Wildlife for wildlife habitat and is grazed by cattle. Also small residential acreage (approx. 1.8 ha) along the west boundary
East: Crown Land - used for public recreation and cattle grazing
South: Residential acreage of approx. 36 ha. Owner runs a small mill
West: Wardner/Ft. Steele Hwy and private undeveloped property of approx. 16 ha.

PROPOSAL DETAILS

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Subdivision - ALR Area: 69.5 ha

Number of Lots	ALR Area of Lot (ha)
1	0.6
1	20.0
1	48.9

Agricultural Capability:

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

Source: CLI

Mapsheet: 82G.043

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Bull River Land Use Bylaw

Designation: Designated RR-60

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: RR-60, Rural Resource

Minimum Lot Size: 60.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The APC for Area C recommends approval.

Agricultural Advisory Committee

The AAC supports the application as presented as the property is divided by the road and there are no agricultural concerns.

Board/Council

The RDEK Board reviewed this application at its meeting on July 9, 2010. After consideration, the Board adopted Resolution 41619 in support of the application for subdivision.

Planning Staff

The planning staff recommended that the application be supported as the proposed subdivision is consistent with current land use policies.

ALC STAFF COMMENTS

The applicant has indicated the subject property is 63.6 ha but the Regional District has indicated the area to be 61.3 ha. The ALC's GIS calculation has determined the property to be 69.5 ha, and the staff report considers this to be the approximate area of the property.

The property is zoned RR-60, Rural Resource, with a minimum parcel size of 60 ha. However, the minimum parcel area may be reduced where the proposed subdivision is divided by an existing constructed and registered highway.

An on-site inspection of the property will benefit the Commission panel in determining the merit of this application.

ATTACHMENTS

51844report.pdf
51844_AgCapabilityMap.pdf
51844_ContextMap50k.pdf
51844_AirphotoMap20k.pdf

END OF REPORT

Prepared by: Ron Wallace, October 15, 2010