



Provincial Agricultural Land Commission - Staff Report

Application: 51915

Applicants: 1131021 Alberta Ltd , 1129759 Alberta Ltd
Local Government: Regional District of East Kootenay

Proposal: To subdivide both SL 2 DL 347 and Remainder of SL 163 DL 4596 into two lots each for a total of four lots from the subject two properties. Each of the four lots will range in area from 104.3 ha (257.8 acres) to 119.2 ha (294.5 acres). Should the subdivision be approved, the applicant would be prepared to caveat the titles providing that without RDEK consent they will not apply prior to June 1, 2015 for further subdivision of the four A1 zoned lots; and the applicant will transfer without compensation those lands necessary to restore to Vic and Darlen Thomas' ownership of their house impeded by the survey errors referenced in the application.

BACKGROUND INFORMATION

An Agricultural Capability and Soil Assessment Report was prepared by for the subject properties by David W. Yole, M.Sc., P.Ag. The report concluded that the subject lands proposed for subdivision are for the most part (68 to 85% depending on the parcel) non-arable and of limited agricultural use. Isolated portions could be farmed but topographic constraints limit their potential.

PROPERTY INFORMATION

PID: 016-808-673
Legal Description: Sublot 2, District Lot 347, Kootenay District, Plan X11, Except Part shown outlined in pink on Plan 1203 and that part in Plan 11130
Property Area: 229.5 ha
ALR Area: 229.5 ha
Purchase Date: December 14, 2004
Location: North of Rogun Lake, west of West Side Road, south of the Falls.
Owner: 1131021 Alberta Ltd

PID: 016-809-939
Legal Description: Sublot 163, District Lot 4596, Kootenay District, Plan X32, Except 1) The R/W shown outlined in pink on Plan 1203, 2) The five severed portions, which lie between the said R/W and the waters of Windermere Lake as shown outlined on Plan 1203 and, 3) Part included in Plan 1232 and 4) Part in Plan 11130 5) Plan NEP88930

Property Area: 209.9 ha
ALR Area: 209.9 ha
Purchase Date: May 6, 2009
Location: North of Rogun Lake, west of West Side Road, south of the Falls.
Owner: 1129759 Alberta Ltd

Total Land Area: 439.4 ha
Total ALR Area: 439.4 ha

LAND USE

Current Land Use:

The properties are used for intermittent timber harvesting. There are no dwellings on the properties.

Surrounding Land Uses:

North: No present use - owned by Grizzly Ridge properties
East: Mixed Hay Crops and Residential
South: Vacant land left in original state
West: Farm operations - Zehnder and Potters

PROPOSAL DETAILS

Subdivision - ALR Area: 439.4 ha

Number of Lots	ALR Area of Lot (ha)
1	104.0
1	119.0
2	108.2

Agricultural Capability:

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

Source: CLI

Mapsheet: 82K/8

PREVIOUS APPLICATIONS

Application ID: 41947

Legacy #: 35965

Applicant: 1129759 Alberta Ltd

Proposal: To exclude 267 ha of the subject property from the ALR in order to develop approximately 600+ units of recreational and residential homes. It is anticipated that a significant portion of the Property purchasers will use their properties on an intermittent basis as secondary homes and recreational properties.

Decision:

Resolution #	Decision Date	Decision Description
248/2005	May 13, 2005	Allow exclusion as proposed on the grounds the subject area has low agricultural capability and that the proposed development would take further pressure off other agricultural land in the area.

Note: Legacy file #35965

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Lake Windermere OCP

Designation: N/A

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Rural Resource and Watershed Protection

Zoning Designation: N/A

Minimum Lot Size: 60.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Advisory Planning Committee

The APC for Areas F & G support the application going forward but noted concerns about potential conflicts arising from cattle grazing in the area.

Board/Council

The RDEK board reviewed the application at its meeting on August 6, 2010. After consideration, the Board adopted Resolution #41700 in support of the application for subdivision subject to a restrictive covenant preventing further subdivision on 4 lots in the A-1 zone.

Planning Staff

Although short of the OCP recommended 120 ha minimum parcel size, the proposal meets the intent of the OCP policies and should have a minimal impact on the agricultural potential of the land and neighbouring parcels.

ALC STAFF COMMENTS

A report from a professional Agrologist is included in the application and concluded that 14% to 31% of the subject land, depending on the specific lot, is determined to be arable. The majority of the land assessed was determined to be non-arable and not suited for agriculture for the most part. Isolated portion could be farmed but topographical constraints limit their potential.

The proposed subdivision would create a total of four lots ranging in size from 104.3 ha to 119.2 ha. The proposed lots would be long and narrow (as shown on the subdivision map) making them less suitable for agriculture. An on-site inspection with the applicant will help to determine the merits of this proposal.

ATTACHMENTS

51915_ContextMap50k.pdf
51915_AgCapabilityMap.pdf
51915_AirphotoMap50k.pdf
51915agrologistrp.pdf
51915proposal.pdf
51915locgov.pdf
51915letter.pdf
51915propsd.pdf
51915agrolupdate.pdf

END OF REPORT

Prepared by: Ron Wallace, October 14, 2010