



# Provincial Agricultural Land Commission - Staff Report

## Application: 51962

**Applicant:** Ronald & Sara Mulvey  
**Local Government:** Regional District of Central Kootenay

**Proposal:** The property is divided by Passmore Upper Road with a portion of the property lying to the north of the road and a portion of the property lying to the south of the road. The proposal is to subdivide along the road and create three parcels south of the road and a remnant parcel to the north of the road.

The applicant's wish to encourage small farming activities within proposed subdivision.

As music teachers, the applicant's wish to have the land developed to its potential as workable farm land as there is no farming activity on the property at the present.

## BACKGROUND INFORMATION

The property has been used by a previous owner for farming including the small scale production of chickens, pigs, cattle, feed crops. The area under application had original farmhouse and green crops. The property has plenty of water, as water table is 7-14 feet with run off to the south of this viable farming parcel.

## PROPERTY INFORMATION

**PID:** 016-059-875  
**Legal Description:** District Lot 12307 Kootenay District Except Part Included in SRW Plan 18867  
**Property Area:** 18.6 ha  
**ALR Area:** 18.6 ha  
**Purchase Date:** December 30, 1999  
**Location:** 44550 Upper Passmore Road  
**Owner:** Ronald & Sara Mulvey

## LAND USE

### Current Land Use:

The current owners are music and art school teachers. There is a residence and small kitchen garden on the property. The property has been selectively logging 4 times over past 18 years. The forested areas are rich with excellent growth and mix of species. A section of land next to river is used for outdoor summer art classes - 10-15 students for one week each summer.

### Surrounding Land Uses:

North: River  
East: Small acreage with 2 farm buildings and residence & small acreage with residence only  
South: Crown Land  
West: Small acreage with large garden, artist studio workshop, chickens and residence

## PROPOSAL DETAILS

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Subdivision - ALR Area: 18.6 ha

Number of Lots	ALR Area of Lot (ha)
1	10.0
2	2.5
1	3.6

### Agricultural Capability:

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

Source: CLI

Mapsheet: 82F/12

## RELEVANT APPLICATIONS

Application ID: 42529

Legacy #: 36357

Applicant: Linda Louise

Proposal: To exclude the 2 ha subject property from the ALR for the purpose of building an additional dwelling for the owners to live in. There is a mobile home on the property that is currently rented out.

### Decision:

Resolution #	Decision Date	Decision Description
285/2006	May 30, 2006	Approved subject to the removal of the mobile home when the present occupant leaves

Note: Legacy File #02-05-36357, to the east of the subject property.

Application ID: 3829

Legacy #: 29986

Applicant: John & Elaine Woods

Proposal: To exclude 4.9 ha ALR portion of D.L. 12305 and D. L. 12304 (13.1 ha) Remainder of D.L. 12305 was excluded in the Slocan Valley ALR Review. Applicants plan to retain about 4 ha and build a new home. Present home would be sold.

### Decision:

Resolution #	Decision Date	Decision Description
1019/1995	December 7, 1995	Refuse exclusion. Allow subdivision of 4 lots. Owner is eligible for homesite severance. Land has agricultural capability for hobby farm use.

Note: Legacy File: #02-95-29986, to the east of the subject property.

Application ID: 1957

Legacy #: 28669

Applicant: Provincial Agricultural Land Commission

Proposal: Block Application - ALR review of the Slocan Valley requested exclusion of almost 900 ha of ALR land.

### Decision:

Resolution #	Decision Date	Decision Description
89/1994	February 3, 1994	Partial Approval. Commission allowed exclusion of 861.0 ha and refused 32.6 ha subject to inclusion of approximately 100 ha.

Note: Legacy File: #01-93-28669. A review of the ALR in the Slocan Valley.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

Bylaw Name: N/A

Designation: N/A

## LOCAL GOVERNMENT INFORMATION

### Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

### Comments and Recommendations:

#### **Board/Council**

Referred to the Area Director. A Regional Board Resolution has not been made.

#### **Planning Staff**

Planning staff have no objection to the proposed subdivision since there is no regulatory land use bylaw or OCP for Area H South. Other RDCK Bylaws that apply include those for manufactured home, subdivision, floodplain, and building. Proof of water and a surveyors certificate will be required prior to final approval of the subdivision. A building permit will be required prior to any construction.

## ALC STAFF COMMENTS

Staff would like the Commission to note the following:

- The southern portion of the property has an agricultural capability rating of 50% Class 5 (topography limitations), 30% Class 7 (topography, climate limitations) and 20% Class 3 (climate limitations). The north portion of the property has an agricultural capability rating of 70% Class 5 (topography limitation) and 30% Class 3 (climate limitation).
- The property is within an area that was retained in the ALR following an ALR review of the area in view of its agricultural potential.
- The property has been used by a previous owner for farming purposes.
- The proposed subdivision could further limit the agricultural potential of the property.

## ATTACHMENTS

51962\_AirphotoMap10k.pdf  
51962\_AgCapabilityMap.pdf  
51962\_ContextMap50k.pdf  
51962proposal.pdf

## END OF REPORT

Prepared by: Ron Wallace, November 4, 2010