



Provincial Agricultural Land Commission - Staff Report

Application: 52042

Applicant: Ray & Hilda Lundstrom
Local Government: Regional District of East Kootenay

Proposal: SUBDIVISION - Proposed to subdivide a 4.86 ha parcel to create two rural residential parcels, 2.02 ha and a 2.84 ha in extent.

BACKGROUND INFORMATION

The property has access from Highway 95A along McGinty Road. It is bordered on three sides by small holdings and on one side by Crown land. Both lots will have onsite water and sewage disposal. The soils are very poor and unsuitable for cultivated crops. The parcels are in character with other developments in the area and make use of poor quality soils. The development will not have any impact on agricultural capability and will not give rise to any land use conflicts.

PROPERTY INFORMATION

PID: 028-104-391
Legal Description: Lot A District Lot 15905 Kootenay District Plan EPP2834
Property Area: 4.6 ha
ALR Area: 4.6 ha
Purchase Date: November 13, 2009
Location: Wood's Corner area
Owner: Ray & Hilda Lundstrom

LAND USE

Current Land Use:
Residential

Surrounding Land Uses:

North: Vacant
East: Rural residential
South: Crown Land
West: Rural residential

PROPOSAL DETAILS

Subdivision - ALR Area: 4.6 ha

Number of Lots	ALR Area of Lot (ha)
1	2.0
1	2.6

Agricultural Capability:

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

Source: CLI

Mapsheet: 82G/12

PREVIOUS APPLICATIONS

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Application ID: 39319

Legacy #: 25434

Applicant: Hildegard & Ray Lundstrom

Proposal: To subdivide a 2.3 ha parcel from the 13.8 ha parcel.

Decision:

Resolution #	Decision Date	Decision Description
11/2011	October 16, 1991	Refused as the Commission was of the opinion that the creation of a small residential lot within this area would not be compatible with the agricultural objectives for this area. Further, the Commission believes that the land has potential for agricultural purposes and subdivision would raise expectations for further parcelization in the area and heighten possibilities of conflict between the rural residential and farm communities.

Application ID: 25825

Legacy #: 09186

Applicant: R & H Lundstrom

Proposal: To subdivide the subject property into 17 parcels of 2 ha or more for residential use.

Decision:

Resolution #	Decision Date	Decision Description
8/2011	September 20, 1979	Refused on the grounds that the Commission does not wish to see the parcelization of lands in a potential ranching area.

Application ID: 25821

Legacy #: 00775

Applicant: Ray N Lundstrom

Proposal: To subdivide the subject property.

Decision:

Resolution #	Decision Date	Decision Description
9/2011	March 5, 1976	Refused on the grounds that the subject property has good agricultural capability for agricultural use. Most of the property has Class 3 and 4 capabilities and the remainder has suitability for grazing. While it is recognized that this general area is not presently actively farmed, the Commission's concerns are long range ones. The area has suitability for ranching operations, which require extensive acreages. It is felt that to introduce 2 ha hobby farm lots into such an area would be to invite future problems for those who may wish to develop adjacent lands into viable commercial agricultural operations.

Application ID: 25315

Legacy #: 15075

Applicant: Ray & Hilda Lundstrom

Proposal: To exclude the subject property from the ALR.

Decision:

Resolution #	Decision Date	Decision Description
10/2011	November 23, 1982	Refused the request for exclusion, however, permission was granted to subdivide the subject property into 5 lots of approximately 8 ha apiece. The Commission feels that the property will be better utilized as small rural/agricultural holdings.

RELEVANT APPLICATIONS

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Application ID: 50995

Applicant: Francis and Brenda Roberts

Proposal: To subdivide a 2 ha lot from the 6 ha property.

Decision:

Resolution #	Decision Date	Decision Description
2319/2010	March 24, 2010	Allow as proposed.

Application ID: 44676

Legacy #: 37878

Applicant: Ernst and Ruth Kaufmann

Proposal: To subdivide five (5) parcels to create a total of 11 lots, the lots range from 2.1 ha to 8.0 ha in size for rural residential use.

Decision:

Resolution #	Decision Date	Decision Description
114/2008	March 27, 2008	Allowed with conditions.

Note: This application led to the creation of the subject property

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Kimberley Rural OCP Bylaw No. 1924, 2006

Designation: Large Holdings

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Kimberley Rural - Bylaw No. 1925, 2006

Zoning Designation: Rural Residential (Small Holding)

Minimum Lot Size: 2.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Commission supports the application.

Board/Council

The proposal is supported.

Planning Staff

The Planning staff support the application.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- The Commission reviewed its policies relating to this area, which is known as Woods Corner, in the context of the new OCP and Zoning Bylaws for the area prepared in 2006 and 2007. Woods Corner was identified in the bylaws as being one of four in the Meadowbrook/Woods Corner area that have potential for limited Rural Residential development. After conducting a site inspection of the area with the Regional District the Commission accepted the proposal of the Regional District to permit subdivision down to 2 ha in this area.
- In this light under Resolution Number 114/2008 the Commission approved the subdivision of five properties in this area to create 11 rural residential lots ranging from 2.1 to 8 ha in size. The subject property is one of the parcels that were created. Later under Resolution Number 2319/2010 the Commission approved a 2 ha parcel on a property within this area to the west. These decisions reflect a change in the policy of the Commission following its review of the new OCP and Zoning Bylaws from that which influenced its earlier decisions.
- The agricultural capability of the subject property is improvable to Class 3, 4 and 6 with the limitation of topography. Surrounding Crown land is currently used as seasonal rotational pasture and for recreation purposes.

ATTACHMENTS

52042_ContextMap20k.pdf
52042_AirphotoMap10k.pdf
52042_proposal.pdf
52042_sketch plan.pdf
52042_AgCapabilityMap.pdf

END OF REPORT

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