



Provincial Agricultural Land Commission - Staff Report

Application: 52044

Applicant: Paul-Emile and Francoise Senecal
Local Government: Regional District of East Kootenay

Proposal: EXCLUSION - to exclude the 8.7 ha ALR portion of two lots with a total area of 10.5 ha from the ALR.

BACKGROUND INFORMATION

The application is to facilitate the building of two dwellings on the more westerly of the lots, one for the owners and one for a daughter.

PROPERTY INFORMATION

PID: 028-128-770
Legal Description: Lot A District Lot 331 Kootenay District Plan NEP90253
Property Area: 6.5 ha
ALR Area: 5.5 ha
Purchase Date: January 18, 2010
Location: Mayook Area / 8234 Highway 3/93
Owner: Paul-Emile and Francoise Senecal

PID: 028-128-788
Legal Description: Lot B District Lot 331 Kootenay District Plan NEP90253
Property Area: 4.0 ha
ALR Area: 3.2 ha
Purchase Date: January 18, 2010
Location: Mayook area / 8234 Highway 3/93
Owner:

Total Land Area: 10.5 ha
Total ALR Area: 8.7 ha

LAND USE

Current Land Use:
Single family dwelling exists on Lot B. Lot A is vacant

Surrounding Land Uses:

North: Forested lot
East: Forested lot
South: Forested lot
West: Forested lot

PROPOSAL DETAILS

Exclusion Area: 8.7 ha

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

Source: CLI

Mapsheet: 82G/5

PREVIOUS APPLICATIONS

Application ID: 44964

Legacy #: 38101

Applicant: Paul-Emile and Francoise Senecal

Proposal: To subdivide the 10.6 ha subject property to create one (1) 4 ha residential lot and a 6.6 ha remainder.

Decision:

Resolution #	Decision Date	Decision Description
327/2008	June 4, 2008	Allowed.

Application ID: 26142

Legacy #: 04817

Applicant: T Campbell

Proposal: Boundary adjustment to two properties of 14.9 ha and 8.9 ha to create two properties of 15.7 ha and 8.1 ha

Decision:

Resolution #	Decision Date	Decision Description
6793/1977	August 5, 1977	Allowed

Note: This approval created the subject property

RELEVANT APPLICATIONS

Application ID: 25529

Legacy #: 14605

Applicant: T & B Campbell

Proposal: To subdivide a 15.7 ha property into two parcels of 8.0 ha and 7.7 ha.

Decision:

Resolution #	Decision Date	Decision Description
791/1982	May 5, 1982	Refused on the grounds that the property has moderate potential for agricultural utilization and therefore should be retained in as large a parcel as possible

Note: This property is to the west and adjacent to the subject property.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

Zoning:

Zoning Bylaw Name: N/A

Comments and Recommendations:

Advisory Planning Committee

The Area C APC recommends approval subject to a restrictive covenant that prevents subdivision below 5 acres.

Agricultural Advisory Committee

The AAC does not support the application as presented

Board/Council

The Board has advised that it does not support the application

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- The subject property is located on the southern edge of an extensive block of ALR.
- The soil capability ratings for the more westerly parcel are Class 6 with excess water limitations and the more easterly parcel is rated as Class 5 with topography limitations. The Commission conducted a site inspection of the

ALC STAFF COMMENTS

property when it reviewed the application, subsequently approved, for the two parcels that comprise the subject property. It concluded that the bulk of the more westerly parcel is very wet and that the more easterly parcel includes the bulk of the land with agricultural potential.

- The Regional Board and the AAC are both opposed to the application but the APC is supportive, subject to a restrictive covenant to prevent subdivision below 5 acres.
- In the absence of land use bylaws for this area, should the property be excluded from the ALR, there would be little control over the future land use of the property. The adjoining property to the west is rated as Class 6 with excess water. The Commission refused subdivision of this parcel in 1982 believing that it has moderate agricultural potential. Nevertheless it is unlikely that development on the subject property, should it be excluded from the ALR, would have any material impact on agriculture conducted on this property. Moreover the property is buffered from the properties within the ALR to the north by Highway 3/93. On the other hand control over the development of the more easterly parcel, which has greater agricultural potential and has been used for a limited amount of agriculture would also be lost with possibly a detrimental impact (albeit limited) on agriculture.
- Bearing in mind that the reason for the application is to facilitate the erection of a second dwelling on the more westerly parcel the Commission could consider approving a second dwelling (possibly in lieu of a manufactured home for a relative) as an alternative to the exclusion of the property from the reserve.
- A site visit would be helpful in assessing the merits of this proposal including the pros and cons of permitting a second dwelling on the more westerly property as an alternative to excluding the property from the ALR.

ATTACHMENTS

52044 google image.pdf
52044_ContextMap50k.pdf
52044_AgCapabilityMap.pdf
52044_AirphotoMap10k.pdf

END OF REPORT

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