



Provincial Agricultural Land Commission - Staff Report

Application: 52083

Applicant: David & Hermine Gentles
Local Government: Regional District of Central Kootenay

Proposal: To exclude the subject property from the ALR. The applicant provided additional information regarding potential development of the property into small hobby farm lots and that future owners could apply for inclusion if so desired.

BACKGROUND INFORMATION

In 2004 a previous application was made to exclude just the cleared portion of the subject property, an area of approximately 7.9 ha. Upon exclusion, that portion of the property was proposed for residential lots. It was noted the northern portion of the subject property (i.e. the cleared 7.9 ha), showed signs of debilitation due to its previous use a sawmill operation.

However, the Commission felt the proposed area for exclusion could have some utility for use as part of the whole property. The more debilitated portion of the property could be used to locate buildings while leaving the more arable portions for agriculture.

A report entitled "Soil Survey and Agricultural Potential on Lot 7 district Lot 4812 KD Plan NEP83712 KRD" was prepared for the applicants by David W. Yole, P.Ag., M.Sc. This report assesses the agricultural capability of the property and is attached to the staff report.

PROPERTY INFORMATION

PID: 027-045-242
Legal Description: Lot 7 District Lot 4812 Kootenay District Plan NEP23057
Property Area: 32.1 ha
Purchase Date: June 29, 2007
Location: 3627 Kendall Court
Owner: David & Hermine Gentles

LAND USE

Current Land Use:

The owners recently built a new house on the property. The cleared portion of the property is deteriorated and has now been taken over by a field of knapweed. The rest of the property is forested. An electric transmission line runs across the southern portion of the property.

Surrounding Land Uses:

North: Residential
East: Residential
South: Residential / Agricultural
West: Residential/ Agricultural / Natural environment

PROPOSAL DETAILS

Exclusion Area: 32.1 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 82F/12

PREVIOUS APPLICATIONS

Application ID: 40682

Legacy #: 35039

Applicant: Passmore Park Developments Ltd

Proposal: To exclude District Lot 4812 from the ALR in order that the land may be subdivided into 27 residential lots. The proposed lot sizes will vary but none will be less than 0.41 ha. The lots will be limited to one residential single family dwelling that must comply with the BC Building Code and the bylaws of the Regional District.

Decision:

Resolution #	Decision Date	Decision Description
515/2003	October 30, 2003	Refuse on the grounds that the property has agricultural potential.

Note: Legacy File #35039

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: N/A

Designation: N/A

Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

Comments and Recommendations:

Board/Council

No comments received from the Regional Board. The Area Director recommends against exclusion from the ALR. There is no OCP in the area therefore the ALC is the decision making authority on possible subdivision of ALR lands. This particular property has the potential of being used as farmland and should be left in the ALR, it is relatively flat and borders the Slokan River for possible irrigation. Also RDCK is in the process of developing an agricultural plan for the region.

Planning Staff

The RDCK planning staff has no objection to the proposed application for exclusion.

ALC STAFF COMMENTS

Staff has the following comments:

- The ALC considered a previous application in 2003/04 to exclude the subject property for the purpose of subdividing the property into residential lots. The application was refused on the grounds that the Commission believed the property as a whole has agricultural potential and should be retained in the ALR. Upon reconsideration of the application, the ALC allowed the request to exclude approximately 3.4 ha of the northern portion of the property. This portion of the property was felt to be unsuitable for agriculture due to its shape and that the area had been significantly debilitated from previous use.
- The agricultural assessment report prepared for the property by David W. Yole, P.Ag., M.Sc. concluded that "On the entire property, arable land makes up 44% of the total area while non-arable land (class 5-7) comprises approximately 56% based on a ground assessment of the land surveyed on March 9, 2010."
- It is noteworthy that the Area Director recommends against exclusion of the subject land from the ALR. Also that the RDCK is in the process of developing an agricultural plan for the region.

ATTACHMENTS

52083_ContextMap20k.pdf
52083_AgCapabilityMap.pdf
52083_AirphotoMap20k.pdf
52083Agroreport.pdf

END OF REPORT

Prepared by: Ron Wallace, January 19, 2011