



# Provincial Agricultural Land Commission - Staff Report

## Application: 52086

**Applicant:** Jason & Billie Loewen  
**Local Government:** Regional District of East Kootenay

**Proposal:** SUBDIVISION - to create a two lot subdivision consisting of a 1.2 ha parcel and an 8.0 ha remainder.

### BACKGROUND INFORMATION

The property is zoned RR-8 Rural Residential (Country) in the Elk Valley Zoning Bylaw with a minimum parcel size of 8 ha. A reoning application with the RDEK would be required prior to subdivision.

The majority of the property, excluding the southwest corner is within the 200 year floodplain.

The applicants have stated that according to the comparison of the floodplain mapping and the actual ground elevations, the proposed 1.2 ha parcel is above the floodplain elevation and does have the minimum usable site required for subdivision.

The applicants wish to keep the primary parcel size of 8.0 ha to maintain the RR-8 zoning and the additional permitted uses contained in the RR-8 Zone.

### PROPERTY INFORMATION

**PID:** 013-615-645  
**Legal Description:** Lot 5 District Lot 4144 Kootenay District Plan 7605  
**Property Area:** 8.8 ha  
**ALR Area:** 8.8 ha  
**Purchase Date:** September 5, 2006  
**Location:** 8922 Travis Road, Elk Valley area  
**Owner:** Jason & Billie Loewen

### LAND USE

**Current Land Use:**

There is a residence, 2 bay garage, four outbuildings, two sheds, depreciating barn used for storage, and three cabins, two of which are deemed for demolition. There is no agricultural activity on the property.

**Surrounding Land Uses:**

North: Airport / Crown Land / Beef farm / Lower Elk Valley Road / Residential  
 East: Airport  
 South: Elk Valley Airport / Rural residential lots  
 West: Ranch and rural residential

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 8.8 ha

Number of Lots	ALR Area of Lot (ha)
1	7.6
1	1.2

**Agricultural Capability:**

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

**Source:** CLI

**Mapsheet:** 82G/15

## PREVIOUS APPLICATIONS

**Application ID:** 39404

**Legacy #:** 21895

**Applicant:** Harold Travis

**Note:** Legacy file: 21895. Previous subdivision application that was refused by the Commission. Upon reconsideration the application was again refused for subdivision.

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## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Elk Valley Land Use Strategy

**Designation:** Agriculture and Airport

**OCP Compliance:** No

### Zoning:

**Zoning Bylaw Name:** Rural Residential (Country)

**Zoning Designation:** RR-8

**Minimum Lot Size:** 8.0 ha

**Zoning Compliance:** No

### Comments and Recommendations:

#### **Advisory Planning Committee**

The APC for Area A accepted the application as presented.

#### **Agricultural Advisory Committee**

The AAC deferred comment pending the Elk Valley ALR delegation agreement.

#### **Board/Council**

The RDEK supports the Loewen ALR subdivision application for property at 8922 Travis Road in the Elk Valley Airport area.

#### **Planning Staff**

The proposal is not consistent with the Elk Valley Land Use Policies. The proposed 1.2 ha parcel is not consistent with adjacent properties.

## ALC STAFF COMMENTS

Staff has the following comments:

- The proposal is not consistent with the Elk Valley Land Use Policies. The property is zoned RR-8 Rural Residential (Country) with a minimum lot size of 8 ha.
- A site inspection may benefit the Commission in making a decision on this application.

## ATTACHMENTS

52086\_ContextMap20k.pdf

52086\_AgCapabilityMap.pdf

52086\_AirphotoMap20k.pdf

## END OF REPORT

**Prepared by:** Ron Wallace, February 2, 2011