



# Provincial Agricultural Land Commission - Staff Report

## Application: 52330

**Applicants:** Dale Day, Guy Owens  
**Agent:** Hoefsloot Land Surveying Ltd.  
**Local Government:** Regional District of Kootenay-Boundary

**Proposal:** Request to subdivide a 62.1 ha parcel into two 17 ha parcels with a 28 ha remainder. The approximately 10 ha ALR portion of the property is located in the proposed 28 ha remainder, with the exception of an approximately 0.4 ha area just west of Jolly Jack Road.

### BACKGROUND INFORMATION

The property is located in a narrow valley in a mountainous rural area comprised mainly of quarter-section sized lots. The property is cleared but otherwise undeveloped. According to Herb Luttmerding, P.Ag., who reviewed the area as part of his work on the Boundary Agricultural Area Plan, the agricultural capability of the ALR land on the property is Class 6 with limitations due to topography and stoniness, with the 0.4 ha portion rated as Class 5 limited by topography and soil moisture deficiency (unimprovable). These ratings are generally consistent with British Columbia Land Inventory (BCLI) ratings; however, BCLI map 82/E2 shows the Class 5 area as improvable to Class 3.

### PROPERTY INFORMATION

**PID:** 005-645-026  
**Legal Description:** District Lot 739S Similkameen Division Yale District Except Plan KAP60154  
**Property Area:** 62.1 ha  
**ALR Area:** 62.1 ha  
**Purchase Date:** June 7, 2007  
**Location:** 1755 Jolly Jack Road  
**Owners:** Dale Day, Deborah Owens, Guy Owens

### LAND USE

**Current Land Use:**  
 Recreational/Undeveloped

**Surrounding Land Uses:**

North: Recreational  
 East: Recreational  
 South: Recreational/Rural residential  
 West: Recreational

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 62.1 ha

Number of Lots	ALR Area of Lot (ha)
1	28.0
2	17.0

**Agricultural Capability:**

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

**Source:** BCLI

**Mapsheet:** 82/E2

## RELEVANT APPLICATIONS

**Application ID:** 28700

**Legacy #:** 13971

**Applicant:** Ministry of Forests

**Note:** Application for a forest service road through DL 738s and 739s. Approved.

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## 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:

#### **Advisory Planning Committee**

The Advisory Planning Committee for Area E recommends approval subject to legal access to DL 740s being established through the east half of DL 739s.

#### **Board/Council**

On May 26, 2011, the Regional District of Kootenay Boundary adopted Resolution 238-11 to forward the application to the ALC without a recommendation.

#### **Planning Staff**

Regional District of Kootenay Boundary Planning Staff recommends that the application be forwarded to the ALC without a recommendation due to the absence of OCP and zoning bylaws for the area.

## ALC STAFF COMMENTS

-- The proposed subdivision would include all of the ALR land in the 28 ha remainder parcel, with the exception of a 0.4 ha area west of Jolly Jack Road.

-- The ALR land on the property is part of an approximately 40 ha ALR fragment that encompasses the flatter lands adjacent to Jolly Jack Creek. These lands are shown as improvable to Class 3 on the BC Land Inventory maps, but a local review by Herb Luttmerding, P.Ag. rates them as unimprovable.

## END OF REPORT

**Prepared by:** Lily Ford, July 22, 2011