



# Provincial Agricultural Land Commission - Staff Report

## Application: 52259

**Applicant:** Kenneth and Katherina Roe  
**Local Government:** East Kootenay

**Proposal:** SUBDIVISION - Subdivision of a 31.8 ha parcel into a 4.0 ha parcel with a 27.8 ha remainder.

### BACKGROUND INFORMATION

The subject property is a 31.8 ha parcel located in a rural area east of Kimberley. The parcel is bisected by Stirton Road, a secondary road that provides local access to adjacent properties. The property contains a residence and is used to graze horses.

A previous application for subdivision of the property was refused on the grounds that the property has agricultural potential, is of similar size to neighbouring parcels, and that farm use is not hindered by Stirton Road. The Commission also noted that subdivision could lead to parcelization of the area.

### PROPERTY INFORMATION

**PID:** 016-791-801  
**Legal Description:** District Lot 11601 Kootenay District EXCEPT Part included in Plan NEP21014  
**Property Area:** 31.8 ha  
**ALR Area:** 31.8 ha  
**Purchase Date:** March 31, 2005  
**Location:** Marysville  
**Owner:** Kenneth and Katherina Roe

### LAND USE

**Current Land Use:**  
 The parcel contains a residence and is used for grazing horses.

**Surrounding Land Uses:**  
 North: Undeveloped  
 East: Residential/Agricultural  
 South: Undeveloped  
 West: Residential

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 31.8 ha

Number of Lots	ALR Area of Lot (ha)
1	27.8
1	4.0

**Agricultural Capability:**  
 The majority of the area under application is rated as: Prime  
**Source:** BCLI  
**Mapsheet:** 82G/12

### PREVIOUS APPLICATIONS

## PREVIOUS APPLICATIONS

**Application ID:** 9883

**Legacy #:** 32042

**Applicant:** Kenneth and Katherina Roe

**Proposal:** Subdivide the 30.8 ha property into 2 lots as divided by Stirton Road into 2 parcels of 16 ha and 14.8 ha.

**Decision:**

Resolution #	Decision Date	Decision Description
367/1998	May 29, 1998	Refused on the grounds of agricultural capability and parcelization in an agricultural area.

## RELEVANT APPLICATIONS

**Application ID:** 7988

**Legacy #:** 31302

**Applicant:** Cominco Ltd

**Proposal:** The proposal is to include approximately 220 ha of land into the ALR conditional on the exclusion of 115 ha proposed in a companion application L-31301

**Decision:**

Resolution #	Decision Date	Decision Description
401/1997	July 23, 1997	The Commission allowed the inclusion of 220 ha because the land had reasonably good potential for grazing. As a condition of approval the Commission requires that the two smallest lots, DL 11605 and DL 11606 be consolidated by covenant.

**Note:** Included area is approximately 1/2 km east of the subject site.

**Application ID:** 7987

**Legacy #:** 31301

**Applicant:** Cominco Ltd

**Proposal:** To exclude 115.7 ha of the 125 ha property.

**Decision:**

Resolution #	Decision Date	Decision Description
400/1997	July 23, 1997	The Commission allowed the exclusion of 115 ha for industrial uses, subject to the inclusion of 220 ha (as proposed in application # 31302) presently used for agricultural purposes into the ALR. As a further condition of approval the Commission requested that the two smallest parcels proposed for inclusion be consolidated by covenant.

**Note:** Excluded area is west of Highway 95A, approximately 1/2 km west of the subject site.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Kimberley Rural OCP

**Designation:** Rural Resource (RR)

**OCP Compliance:** Yes

### Zoning:

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

**Zoning Designation:** RR-60

**Minimum Lot Size:** 60.0 ha

**Zoning Compliance:** Yes

### Comments and Recommendations:

#### **Advisory Planning Committee**

The Advisory Planning Committee for Area E supports the proposal.

## LOCAL GOVERNMENT INFORMATION

### Comments and Recommendations:

#### **Board/Council**

On April 1, 2011, the Regional District of East Kootenay Board adopted Resolution 42266 in support of the proposal.

## ALC STAFF COMMENTS

-- The agricultural capability of the property is primarily 5ST improvable to 3T, with an approximately 10 ha area along the western boundary rated at 4F improvable to 2X. The proposed 4 ha lot is located primarily in the latter area, south of Stirton Road.

-- Surrounding parcel sizes range from 25 ha to 80 ha and surrounding land use is primarily agricultural (grazing, hay production, mixed farming) with residences on some of the lots. Approximately 250 ha of Crown Land is located about 1/2 km from the site.

-- The proposed subdivision has been submitted to the Regional District of East Kootenay pursuant to Section 946 of the Local Government Act, as the proposed lot is for a family member. Although the minimum parcel size for the RR 60 zone is 60 ha, the Kimberley Rural Flood Management and Zoning Bylaw permits a reduction in the parcel area requirement to a minimum of 4 ha for Section 946 subdivisions.

## ATTACHMENTS

52259\_ContextMap20k.pdf  
52259\_AirphotoMap10k.pdf  
52259\_AgCapabilityMap.pdf

## END OF REPORT

**Prepared by:** Lily Ford, August 18, 2011