



Provincial Agricultural Land Commission - Staff Report

Application: 52288

Applicant: Chad & Michelle Nearing
Local Government: District of Sparwood

Proposal: NON-FARM USE - Request to replace an existing cabin with a modular home, on a site that contains four trailers that are part of a neighbouring mobile home park. The proposal requires rezoning the property to Mobile Home Park (MHP).

BACKGROUND INFORMATION

The subject property is located between Highway 43 and Cummings Creek at the northern edge of the District of Sparwood. The site contains a cabin that serves as a residence and four trailers that are part of the neighbouring Lodgepole Mobile Home Park. The owner of the Lodgepole Mobile Home Park holds a 35-year lease on the portion of the subject property containing the four trailers.

The subject property is the result of a four lot subdivision approved by the Commission on July 13, 2007 (Resolution #365/2007). In rendering its decision, the Commission noted that the land had limited agricultural capability and was not suitable for agricultural use due to its small size and encroaching residential development. It further noted that the Commission had approved previous subdivision requests for the property, which had not been acted upon.

PROPERTY INFORMATION

PID: 027-522-679
Legal Description: Lot 4 District Lot 6666 Kootenay District Plan NEP86637
Property Area: 2.2 ha
ALR Area: 2.2 ha
Purchase Date: May 6, 2011
Location: 9565 Highway 43
Owner: Chad & Michelle Nearing

Total ALR Area:

LAND USE

Current Land Use:

Residential

Surrounding Land Uses:

North: Residential/Greenhouse
East: Mobile Home Park
South: Cummings Creek/Golf Course
West: Residential

PROPOSAL DETAILS

Non- Farm Use Area: 2.2 ha
Non- Farm Use Type: Residential: Mobile Home Park

Agricultural Capability:

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

Source: CLI

Mapsheet: 82G/15

PREVIOUS APPLICATIONS

Application ID: 43795

Legacy #: 37236

Applicant: Gordon Nearing

Proposal: To subdivide the subject property into four (4) lots using Cummings Creek as a division line to establish lot 1, and further subdivide the north remaining portion into 3 parcels. The lot to the South of the creek is to be excluded from the Agricultural Land Reserve and the north three lots will remain in the Agricultural Land Reserve.

Decision:

Resolution #	Decision Date	Decision Description
365/2007	July 13, 2007	Approved subdivision into 4 lots (within the ALR) along Cummings Creek. Lot 1 to the South of the creek, will be excluded (13.7 ha). The 3 lots to the north of the creek will remain in the ALR.

Application ID: 13241

Legacy #: 75-0631-1

Applicant: M M / F Nearing / Musil

Proposal: To subdivide the property into five lots along the present and proposed Elk Valley Roads and Cummings Creek.

Decision:

Resolution #	Decision Date	Decision Description
8/1986	January 29, 1986	Allow

Application ID: 11619

Legacy #: 75-0631

Applicant: M M / F Nearing / Musil

Proposal: To subdivide the property into five lots along the present and proposed Elk Valley Roads and Cummings Creek.

Decision:

Resolution #	Decision Date	Decision Description
2132/1975	July 24, 1975	Refuse - on the grounds that a good portion of the above two subject properties have some capability for agricultural use and it is felt that the proposed subdivision plan would reduce the option for such use because of the small parcel sizes proposed.

Application ID: 1502

Legacy #: 27681

Applicant: TERESA,PORCO,SHELLY NEARING

Proposal: To subdivide the 27.4 ha subject property into two lots - one of 14 ha and one of 13.4 ha - along Cummings Creek.

Decision:

Resolution #	Decision Date	Decision Description
623/1993	June 24, 1993	Allow - subject to the rescission of previous decisions under Resolution numbers 2132/75 and 8/86 and rescission of Resolution @2957/75 as it pertains to the balance of the approved and unregistered lots.

RELEVANT APPLICATIONS

Application ID: 45179

Legacy #: 38288

Applicant: Boardwalk Management and Associates Ltd

Proposal: To exclude the 5.8 ha subject property from the ALR.

Decision:

Resolution #	Decision Date	Decision Description
624/2008	September 30, 2008	Allowed.

Note: The subject property is located immediately east of the Nearing property.

Application ID: 25817

Legacy #: 14785

Applicant: Lodge Pole Trailer Park

Note: The subject property is located adjacent to the Nearing property. The mobile homes on the Nearing property are in an area leased by the Lodgepole Mobile Home Park.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: District of Sparwood OCP
Designation: Residential and Greenbelt/Floodplain
OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: District of Sparwood Zoning Bylaw
Zoning Designation: Agricultural (A-1)
Minimum Lot Size: 2.0 ha
Zoning Compliance: No

Comments and Recommendations:

Board/Council

On April 4, 2011, the Council of the District of Sparwood authorized the application.

Planning Staff

In a report dated March 30, 2011, Planning Staff for the District of Sparwood recommends authorization of the application. Planning Staff notes that if the ALC approves the application, they will proceed with third reading of the proposed rezoning and a covenant to restrict the number of homes to what is currently on the lot.

ALC STAFF COMMENTS

-- The agricultural capability of the property is 6T.

-- Surrounding parcels are of similar size and contain residential uses, with the exception of a large consolidated parcel south of the site, which contains a golf resort.

-- The parcel is one of a few small parcels at the northern edge of the District of Sparwood and the southern edge of the ALR boundary. Parcels to the immediate south and east of the site have been excluded from the ALR.

-- If the Commission approves the proposal, the District of Sparwood will proceed with rezoning the parcel from Agricultural (A-1) to Mobile Home Park (MHP) and place a covenant on the property restricting homes on the property to the existing number. Replacement of the cabin with a new home, and retention of the existing trailers, is not allowed under the density provisions of the current A-1 zoning.

END OF REPORT

Prepared by: Lily Ford, September 7, 2011