



Provincial Agricultural Land Commission - Staff Report

Application: 52358

Applicant: Donald & Marjorie Fabro
Local Government: East Kootenay

Proposal: SUBDIVISION - Subdivision of a 14.1 ha parcel into a 1.2 ha parcel and a 12.9 ha remainder.

BACKGROUND INFORMATION

The subject property is a vacant property east of Kimberley that is owned and farmed jointly with the neighbouring (non-ALR) parcel to the west. The western half of the property has been cleared for hay production but the eastern half is undeveloped. The property is assessed as a farm by BC Assessment.

PROPERTY INFORMATION

PID: 011-749-253
Legal Description: DL 11580, Kootenay District Except (1) part included in SRW Plan 7689 and (2) Part included in Plan NEP19245
Property Area: 14.1 ha
ALR Area: 14.1 ha
Purchase Date: March 1, 1989
Location:
Owner: Donald & Marjorie Fabro

Total ALR Area:

LAND USE

Current Land Use:

Agricultural - hay production and grazing

Surrounding Land Uses:

North: Residential/Agricultural (cattle farm)
 East: Rural Residential
 South: Residential/Agricultural (cattle farm/hay production)
 West: Residential/Agricultural (hay production)

PROPOSAL DETAILS

Subdivision - ALR Area: 14.1 ha

Number of Lots	ALR Area of Lot (ha)
1	1.2
1	12.9

Agricultural Capability:

The majority of the area under application is rated as: Prime Dominant

Source: BCLI

Mapsheet: 82G/12

RELEVANT APPLICATIONS

Application ID: 21811 **Legacy #:** 06483

Applicant: P Louis

Proposal: Remove 2000 square feet

Decision:

Resolution #	Decision Date	Decision Description
8845/1978	June 2, 1978	Allowed with conditions

Application ID: 14728 **Legacy #:** 32968

Applicant: Donald & Marjorie Fabro

Proposal: To include 40 ha of the 61.5 ha into the ALR which was required by Commission Resolution # 322/99 as a condition for a 3 ha subdivision inside the ALR for the applicant's daughter.

Decision:

Resolution #	Decision Date	Decision Description
802/1999	December 13, 1999	The Commission allowed the inclusion noting that it was a condition of subdivision of a 3 ha lot (Res. 576/96)

Application ID: 5863 **Legacy #:** 21577

Applicant: Loewen

Proposal: To consolidate two existing lots of 1 ha and 15 ha and resubdivide into four lots of 4 ha.

Decision:

Resolution #	Decision Date	Decision Description
1176/1987	November 2, 1987	Refuse as proposed but would allow consolidation and subdivision into two lots of 8 ha.

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

Zoning Designation: Rural Residential

Minimum Lot Size: 16.0 ha

Zoning Compliance: Yes

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Commission for Area E supports the application.

Board/Council

On June 10, 2011, the Regional District of East Kootenay Board adopted Resolution 42397 in support of the proposal.

Planning Staff

In a Staff Report dated May 31, 2011, Planning Staff of the Regional District of East Kootenay recommends approval with the following comments: The OCP Policies support a subdivision for a family member pursuant to Section 946 of the Local Government Act.

ALC STAFF COMMENTS

-- The agricultural capability of the property is primarily 4ST improvable to 3T, with a small (~4 ha) area in the northwest portion of the site rated as 5PM.

-- The subject property is located in an area containing a range of parcel sizes, from less than 1 ha to 16 ha. Many of the neighbouring quarter-quarter sections have been subdivided into several 2 ha to 4 ha lots or into one 1 -2 ha lot with a 14-15 ha remainder. Many smaller parcels north of the subject site were approved under a Commission policy, which has since been rescinded, to allow subdivision down to 2 ha in the area north of Highway 95A (Policy 5890/77).

-- 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 the applicants' son. Although the minimum parcel size for the RR16 zone is 16 ha, the Kimberley Rural Zoning & Floodplain Management Bylaw permits a reduction in the parcel area requirement for Section 946 subdivisions.

ATTACHMENTS

52358_ContextMap20k.pdf
52358_AirphotoMap5k.pdf
52358_AgCapabilityMap.pdf

END OF REPORT

Prepared by: Lily Ford, September 6, 2011