



Provincial Agricultural Land Commission - Staff Report

Application: 52591

Applicant: Heinz & Jeanne Kraps
Local Government: East Kootenay EA

Proposal: Subdivision of a 42.3 ha lot into a 2 ha lot and a 40.3 ha remainder.

BACKGROUND INFORMATION

In 1984, the Commission approved subdivision of a 2 ha parcel on the southern end of the subject parcel. The approved plans for the subdivision included a portion of the currently proposed 2 ha lot; however, that portion was not included in the final subdivision plans. The proposed 2 ha lot is located immediately north of the approved subdivision.

The 2009 Elk Valley Review Report examined the Hosmer-Beese Road subarea with an eye to identifying potential areas for exclusion and inclusion. Option #2 for the area recommended excluding the area of the proposed 2 ha parcel along with the rural residential lots to the south. The remainder of the subject parcel was not recommended for exclusion.

PROPERTY INFORMATION

PID: 009-585-923
Legal Description: Lot 1 District Lot 4589 Kootenay District Plan 15512, Except that Part Included in Plan 16715
Property Area: 42.3 ha
ALR Area: 42.3 ha
Purchase Date: January 13, 1994
Location: 9780 Stephenson Road, Hosmer
Owner: Heinz & Jeanne Kraps

Total ALR Area:

LAND USE

Current Land Use:

Residential and agricultural (hayfields)

Surrounding Land Uses:

North: Conservation (Nature Conservancy)
East: Undeveloped private land
South: Rural residential (2 ha - 4 ha)
West: Railway/Highway 3/agricultural

PROPOSAL DETAILS

Subdivision - ALR Area: 42.3 ha

Number of Lots	ALR Area of Lot (ha)
1	40.3
1	2.0

Agricultural Capability:

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

Source: CLI

Mapsheet: 82G/10

PREVIOUS APPLICATIONS

Application ID: 25211

Legacy #: 17506

Applicant: Elk Valley Developments Ltd

Proposal: Exclude 2 ha from a 45.4 ha property. Near Hosmer.

Decision:

Resolution #	Decision Date	Decision Description
221/1984	March 1, 1984	Exclusion Refused; however, Commission allowed subdivision of original homesite and lumber mill on 2 ha.

RELEVANT APPLICATIONS

Application ID: 52121

Applicant: Regional District of East Kootenay

Proposal: ELK VALLEY BLOCK EXCLUSION - It includes 36 properties with a total area of 6515.7 ha of which 517.1 ha is located within the ALR.

Decisions:

Resolution #	Decision Date	Decision Description
516/2011	November 24, 2011	Approved the exclusion of 367.0 ha; Refused exclusion of 31.5 ha, Rescinded previous approval for exclusion of a 4.0 ha portion of PID #009-115-960 (area is within Sparwood). An additional 39.3 ha proposed for exclusion in the District of Sparwood could not be acted on per Section 29 of the Agricultural Land Commission Act. Deferred action on 128.0 ha due to estate settlement.
456/2011	October 27, 2011	Exclusion of 34 properties with ALR area of 371 ha. Refusal of exclusion request for one (1) property with ALR area of 31.5 ha. Deferral of decision on two (2) properties with total ALR area of 128 ha.
281/2011	June 29, 2011	32 properties excluded totalling 282.5 ha. Decision on other areas (234.6 ha) tabled pending site inspection. Final entry of entire excluded areas to be made when a decision is reached for all properties under application following the site inspections of the properties in September 2011.

Note: Under this application (Elk Valley Block Exclusion), the Commission excluded the remaining ALR portion of the property immediately east of the subject parcel.

Application ID: 44034

Legacy #: 37421

Applicant: Dwaine and Florence Hutchinson

Proposal: Subdivision for a Relative: The proposal is to subdivide the 22.8 ha subject property into two (2) equal sized lots for two family members.

Decision:

Resolution #	Decision Date	Decision Description
377/2007	July 13, 2007	Refused on the grounds that the subject property was of reasonable size and ag cap to have significant potential for agricultural use.

Note: The subject property is located immediately opposite Highway 3 from the property currently under application, and is similar in size and use.

Application ID: 36303

Legacy #: 20755

Applicant: Hedy Denise Heilmann

Proposal: Request to subdivide the 4.4 hectare subject property into two parcels of 0.8 ha and 3.6 ha refused

Decision:

Resolution #	Decision Date	Decision Description
36/1987	January 14, 1987	Request to subdivide the 4.4 hectare subject property into two parcels of 0.8 ha and 3.6 ha refused on the grounds that the property has some agricultural potential which would be negated with the small lot subdivision as proposed

Note: The subject property is located immediately south of the parcel currently under application.

Application ID: 25210

Legacy #: 16083

Applicant: Elk Valley Developments Ltd

Proposal: A partial exclusion of the property allowed.

Note previous application IDs on this land: 26399, 25263, 25624, 26444 & 25625

Decision:

Resolution #	Decision Date	Decision Description
919/1983	June 17, 1983	Exclusion of 35 hectares allowed

Note: The subject property is located immediately east of the parcel currently under application.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Elk Valley Land Use Strategy
Designation: Agriculture and Rural Area
OCP Compliance: No

Zoning:

Zoning Bylaw Name: Elk Valley Zoning Bylaw No. 829
Zoning Designation: RR8
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

The Advisory Planning Committee for Area A supports the proposal.

Board/Council

On January 6, 2012, the RDEK Board adopted Resolution 42801 in support of the proposal.

ALC STAFF COMMENTS

--The agricultural capability ratings for the subject parcel, as shown on Canada Land Inventory (CLI) Map 82G/10, are primarily 4M improvable to 3M. Ratings for the southeast and easternmost portions of the site are 7:5PM - 3:3M.

-- The report submitted by the applicant ("Assessment of Proposed Subdivision, Part of Lot 1, District Lot 4589, Kootenay District, Plan 15512 on Agriculture" by Gary Tipper, P.Ag., R.P. Bio of Phass II Ventures Ltd, November 17, 2011) affirms the CLI ratings but states that the area of the proposed 2 ha lot is dominated by a wooded knoll that is likely Class 6 and Class 7 under the CLI system. He notes however, that a 0.48 ha area in the northern part of the proposed 2 ha parcel contains hayfield and is likely Class 4 improvable to Class 3.

- The subject parcel is located at the northern extent of a small node of rural residential lots, ranging in size from 0.8 ha to 4 ha. One of the lots contains a 99 unit mobile home park and is a heritage site. This rural residential node is located just northeast of central Hosmer, on the east side of Highway 3.

- The proposed 2 ha parcel is located immediately north of a 2 ha parcel that was subdivided from the subject parcel in 1984. The approved plans for the 1984 subdivision included a portion of the currently proposed 2 ha lot; however, that portion was not included in the final subdivision plans.

-- The subject parcel contains active hayfields said to produce 80 round bales of hay in its most recent year of production.

END OF REPORT

Prepared by: Lily Ford, July 5, 2012