



# Request for Decision ALR Subdivision Application

File No: P 724 565  
Reference: 101586  
Date: October 22, 2024

**Subject:** ALR Subdivision (Wilmer / Peterson)  
**Applicant:** Bruce and Linda Peterson  
**Agent:** Richard Haworth, Haworth Development Consulting  
**Location:** Donovan Road, Wilmer  
**Legal:** Parcel 1 (see 9438i) of Lot 41B, District Lot 375, Kootenay District Plan 1232 (PID: 015-903-036)

**Proposal:** Application to facilitate a three-lot residential subdivision.

- Options:**
1. THAT the Agricultural Land Commission be advised the RDEK supports the Peterson ALR Subdivision application for property located on Donovan Road in Wilmer.
  2. THAT the Agricultural Land Commission be advised that the RDEK recommends that the Peterson ALR Subdivision application for property located on Donovan Road in Wilmer be refused.

**Recommendation: Option #2**

Subdivision of land within the ALR is generally not supported within the plan area. The proposed lot sizes are also significantly smaller than the 8ha supported in the OCP.

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**Property Information:** **OCP Designation:** LH, Large Holdings which supports rural residential development and rural resource land uses on parcel sizes in the range of 2.0 ha to 8.0 ha.

**OCP Policies:**

- Except as noted in subsections 4.3(1)(d) and (e) (Toby Creek Rd & Toby Hill Rd areas), the minimum parcel size generally supported for subdivision in the Toby Benches is 8 ha.
- Land in the ALR is generally designated and supported for agricultural use.
- ALR applications for non-farm use, subdivision, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.
- New residential development is encouraged to be directed to land within municipal boundaries, areas outside the ALR and areas with low agricultural capability.

**Property Information – cont'd:**

- Applications for subdivision in the ALR which improve agricultural capability will generally be supported, subject to compliance with the zoning bylaw.
- The OCP recognizes the historical importance of agriculture in the Toby Benches. Fragmentation or parcelization of agricultural lands in the plan area is generally not supported.
- Ensure that wildlife corridors and habitat connectivity are not impaired by future development.
- Maintain habitat connectivity through undisturbed open space and wildlife corridors to support the movement of various wildlife species and access to foraging and nesting areas.

**Zoning Designation:**

A-2, Rural Residential (Country) Zone, which has a minimum parcel area requirement of 8.0 ha.

If the ALR subdivision application is approved a rezoning application would need to be submitted to facilitate subdivision of this parcel.

**Parcel Size:** 1.9 ha (4.6 ac)  
Proposed Lots 1-3 – 0.6 ha (1.3 ac) each

**Interface Fire Hazard Rating:** High, within the Wilmer/Lower Toby Fire Protection Area.

**BC Assessment:** Residential (Outbuilding)

**Water / Sewer Services:** Onsite proposed

**Flood Hazard Rating:** Not within a flood hazard rating area.

**Professional Reports:**

None

**Agricultural Capability Ratings:**

The entirety of the subject property is 70% Class 6 and 30% Class 7 both with a limiting factor of topography. This is not considered improvable.

**Additional Information:**

- The application states that the property is considered suitable for subdivision by the applicant as the lands are not utilized for agricultural purposes (and never have been) due to steep slopes, poor soil characteristics, lack of irrigation source, heavy tree cover and climatic impediments. These factors combined make improvement of the property for agricultural purposes financially unviable. Further, while the lands are within the Toby Benches OCP area, the applicant identifies that the land is part of the community of Wilmer and should be considered as part of the developed area. Subdivision of the subject property would also not have an adverse impact on the agricultural potential of the subject property or neighbouring properties.

**Additional  
Information  
cont'd:**

- The property currently has two outbuildings on it. Building permits were not obtained for these buildings. They also do not comply with the Columbia Valley Zoning Bylaw general regulation which does not permit accessory buildings prior to the principal building (a house) being established. A temporary use permit or zoning amendment application and building permit application are required to be submitted and approved to bring the property into compliance with RDEK bylaws. The applicants have been advised of these requirements.
- The majority of the subject property is within an Environmentally Sensitive Development Permit area for wildlife connectivity.
- The property is accessible from Donovan Road which abuts the north boundary of the property. There is a road right-of-way adjacent to the south property line with a single lane steep gravel road that may be able to provide access to proposed Lot 3; however, this road is not buildable to Ministry of Transportation standards due to steep slopes. Road access requirements will be determined by the Ministry of Transportation at time of subdivision.

**Consultation:** **APC Area F:** Support recommended

**Documents  
Attached:**

- ALR Boundary Map
- Land Use Map
- Agricultural Capability Map and Key
- Zone Designation Map
- Proposal
- Aerial Photo
- Site Photos

**RDEK  
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