



Staff Report
Application # Q – 37555
Applicant: Peter & Catherine Morgenthaler

DATE RECEIVED: July 13, 2007

DATE PREPARED: August 21, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide to adjust the interior lot lines and consolidate three (3) lots into two (2) lots. The applicant is proposing to create one (1) lot of approximately 2 ha (Lot A), with the existing buildings and structures on it, and one remainder of approximately 9 ha (Lot B). Both proposed Lots A and B will be partially within the Agricultural Land Reserve and will be split-zoned Rural 3/Rural 4. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

1. PID: 016-026-438
Lot 10C, District Lot 205B, Kootenay District, Plan 800
2. PID: 016-026-446
Lot 11B, District Lot 205B, Kootenay District, Plan 800
3. PID: 019-159-391
Parcel A, Sublot 17, Township 7A, Explanatory Plan 35023I, Kootenay District, Plan X66

Purchase Date:

March 1974

Location of Property:

9480 Station Road, West of Fruitvale

Size of Property:

11.0 ha (The entire property is in the ALR).

Present use of the Property:

Rural, sloping hillside with no buildings at this time

Surrounding Land Uses:

WEST: Industrial
SOUTH: Rural Residential
EAST: Crown Land
NORTH: Vineyard

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/4
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Area A OCP Bylaw No. 950 (1997)
Designation: Lots C and 11B Rural Resource
Parcel A Rural in the Area A

Zoning Bylaw and Designation:

Area A Zoning Bylaw No. 984 (1998)
Designation: Lots 10C and 11B - Zoned Rural 4 (RUR4)
Parcel A Zoned Rural 3 (RUR3)
Minimum Lot Size: RUR4 - 8 ha, RUR3 - 4 ha

RELEVANT APPLICATIONS:

Application #32155-0

Applicant: Kootenay Boundary
Decision Date: July 27, 2000
Proposal: The RDKB has made a block exclusion application for approximately 32 ha (80 acres) of land for the purpose of creating a bank of industrial lands available to attract potential industrial development.
Decision: Allowed as requested.

Application #33065-0

Applicant: Naqvi, Am
Decision Date: January 26, 2000
Proposal: Relocate metal fabrication shop into an existing 5-6000 sq. ft. building presently straddles Lots 28 & 33 owned by Norlo. Building purchased by Sholinder (operator) but property owned by Norlo. User proposes to dismantle bldg & relocate in Christina Lake
Decision: Allowed with conditions.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Kootenay Boundary Regional Board:

The Regional Board forwarded the application with a recommendation of support.

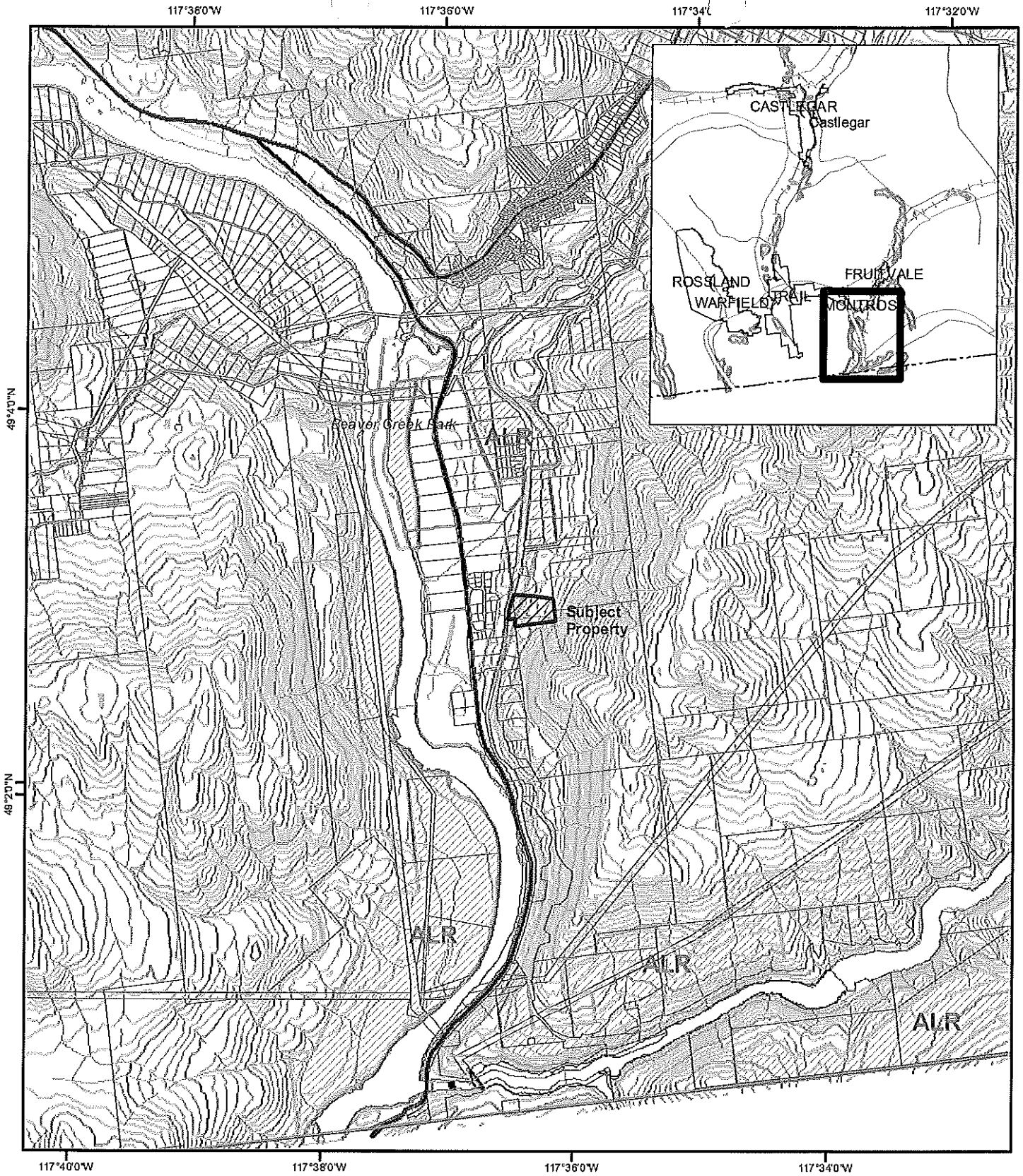
ATTACHMENTS:

1. ALC Context Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Sketch of Proposal

END OF REPORT


Signature

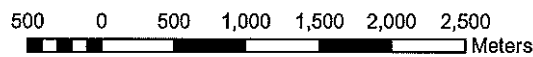

Date

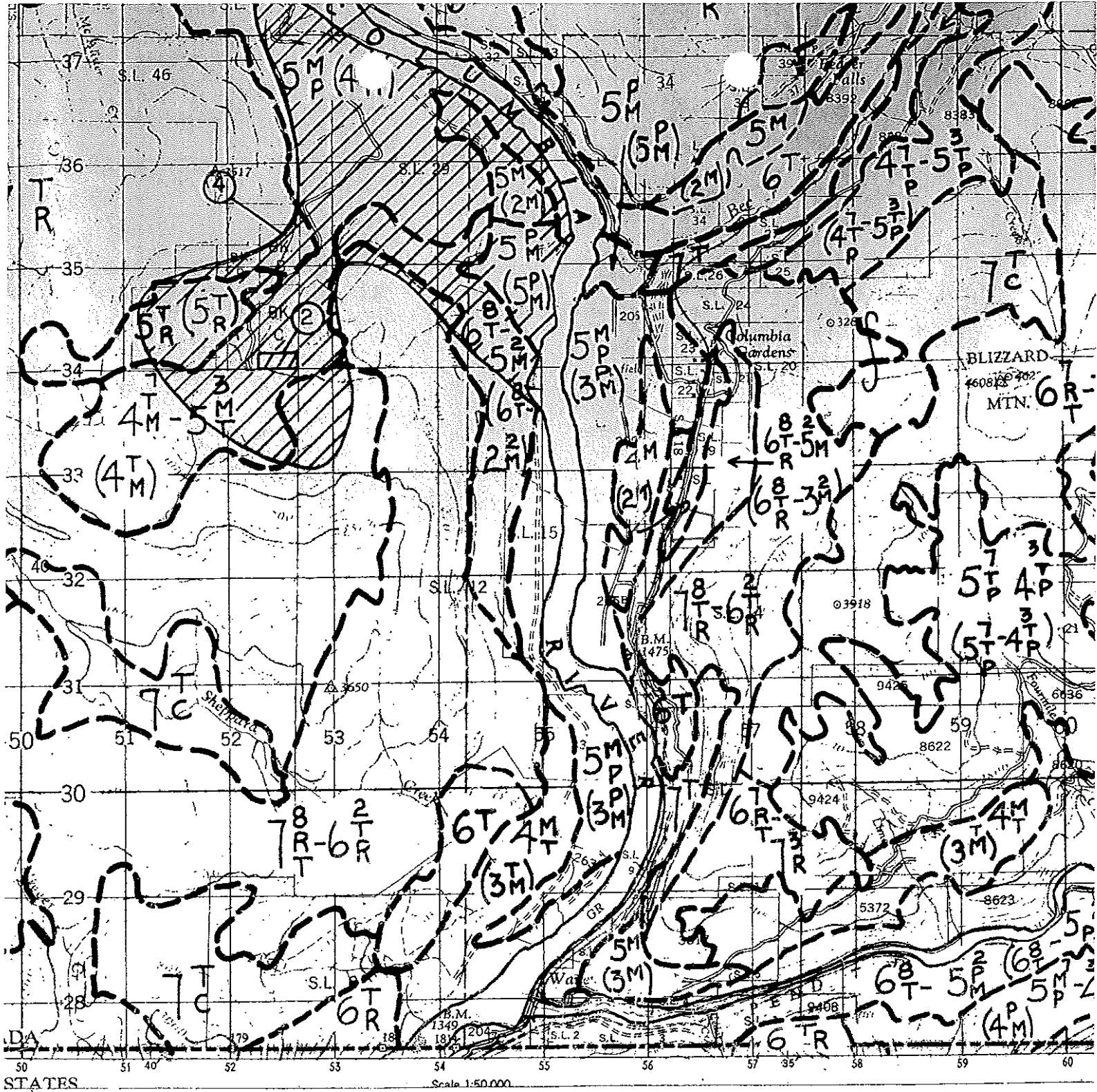


ALC File #: 21-2007-37555
 Mapsheet #: 82F.003
 Map Produced: Aug 16th, 2007
 Regional District: Okanagan-Similkameen

Context Map

Map Scale: 1:50,000

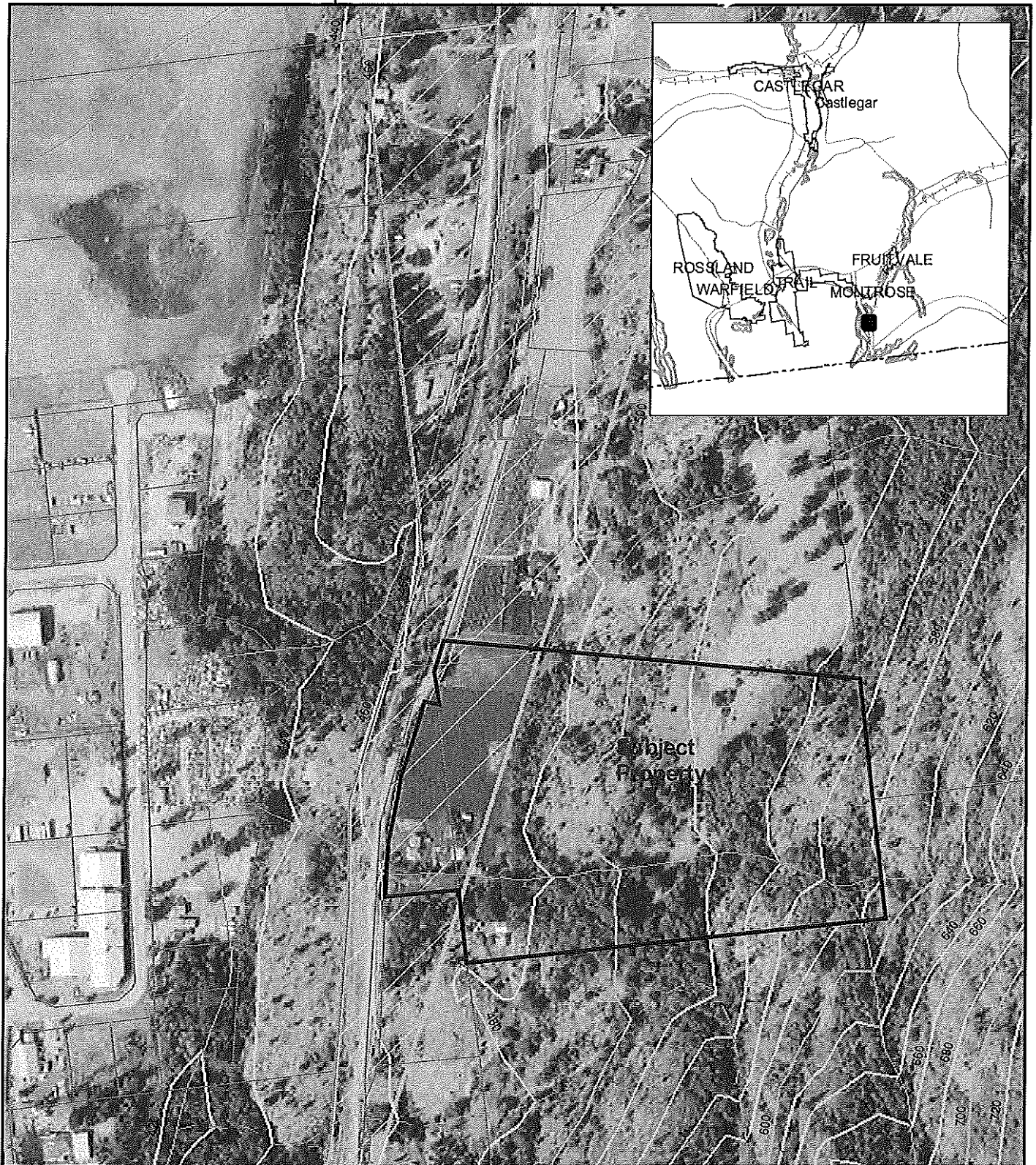




Agricultural Capability Map ↑

Map No. 82F/4

Scale: 1:50,000 **N**

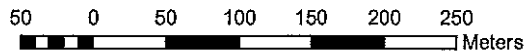


117°38'0"W

ALC File #:	21-2007-37555
Mapsheet #:	82F.003
Map Produced:	Aug 16th, 2007
Regional District:	Okanagan-Similkameen

**Provincial Orthophoto
(2000)**

Map Scale: 1:5,000



Plan
 OF Proposed subdivision of Blk 10C & Blk 11B,
 Plan 800, D.L 205B, And Plan X-66, Rd A S.L. 17
 TP 7A K.D. (Exp1 P1 350231)
 Scale 1:6000

