

Staff Report
Application # L – 37343
Applicant: Dave & Susan McLeay

DATE RECEIVED: April 10, 2007

DATE PREPARED: October 16, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: Subdivide for a relative: To subdivide the 15.4 ha property as divided by Hwy 93 to create a 3.4 ha lot on west side for owner's son, leaving a 12 ha farm remaining on the east side of the hwy.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 016-413-695
Parcel B (see 57688I), District Lot 489, Kootenay District

Purchase Date:

September 2003

Location of Property:

3080 Elko-Rooseville Hwy #93

Size of Property:

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

Present use of the Property:

Hay fields, pastures, house, barn, shop and garage

Surrounding Land Uses:

WEST: crown land
SOUTH: hay field
EAST: crown land
NORTH: pasture

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/3
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

N/A

Zoning Bylaw and Designation:

Unzoned

PREVIOUS APPLICATIONS:

Application #08546-0

Applicant: Shearer, Frank L
Decision Date: May 24, 1979
Proposal: To subdivide the 15.2 ha property into a 3.8 ha property and a 11.4 ha property as divided by Highway 93.
Decision: Refused on the grounds that such a subdivision would create small parcels which would be an intrusion into the surrounding area composed of farms of large acreage.

Application #26193-0

Applicant: Halwas, Ken & Fran
Decision Date: May 12, 1992
Proposal: To subdivide the 15.4 ha property into a 12 ha lot and a 3.4 ha lot as divided by Highway 93.
Decision: Refused as submitted on the basis of impact and parcelization.

RELEVANT APPLICATIONS:

Application #37282-0

Applicant: Sinclair, Colin and Betty
Decision Date: May 16, 2007
Proposal: To subdivide the 85 ha subject property to create six (6) lots ranging from 1 ha to 1.5 ha in size, on the south side of Grasmere Dorr Road leaving a 78.5 ha farm remainder.
Decision: Allowed, the Commission did not believe that the proposal would impact existing or potential agricultural use of surrounding lands as the proposed lots were adjacent to existing community uses, bordered by existing roads, and separated from agricultural use of the property to the south by adequate fencing.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: the Regional Board forwarded the application with a resolution of support.

Advisory Planning Commission: The APC for Area B supports the application as presented

Agricultural Advisory Commission: The AAC supposed the application as presented

STAFF COMMENTS:

Staff note the following:


- The applicants have indicated that the homesite on the proposed lot would not be located on the area of the property that is currently cleared and used for hay production.
- The property appears to be surrounded by land in agricultural production.

ATTACHMENTS:

- Sketch of the proposed subdivision including current land use (submitted by the applicants)
- Map of subject property showing surrounding properties
- ALC Context Map – 1:50,000 – 82G/3 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)

END OF REPORT


Signature


Date