



Staff Report
Application # L – 37494
Applicant: Celeste and Gerald Mullin
Agent: FCS Land Services Ltd - Partnership

DATE RECEIVED: June 15, 2007

DATE PREPARED: October 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 26.5 ha subject property as physically divided by Mission Road to create a vacant 9.3 ha lot on the west side, and a 17.2 ha residential remainder on the east side. 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: 012-476-188
Lot 1, District Lot 33, Kootenay District, Plan 2460

Purchase Date:

June 2005

Location of Property:

4166 Mission Road, Cranbrook Rural Area

Size of Property:

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

Present use of the Property:

Residence (mobile home), two existing roofed structures, several small sheds

Surrounding Land Uses:

WEST: Residence/land
SOUTH: Service commercial with business, rural resources, small parcels with residences
EAST: Parks/open spaces, two parcels with residences and recreational horses
NORTH: Crown land and privately owned vacant land

Agricultural Capability:

Data Source: Agricultural Capability Map # Cranbrook Project
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Designation: Cranbrook Rural OCP Agriculture

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1402
Designation: Cranbrook Rural Zoning Bylaw of RR-60, Rural Resource Zone
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #17203-0

Applicant: Henkels, Wm & I

Decision Date: 1983

Proposal: *5/2 cont'd of 5.2 ha*

Decision: *allowed*

RELEVANT APPLICATIONS:

Application #20030-0

Applicant:

Decision Date: May 12, 1986

Proposal: Block application to exclude 156 ha, 32 properties involved.

Decision: The block exclusion application was allowed as the ALC had endorsed the 1981 OSP and agreed to exclude these properties.

Application #31867-0

Applicant: Koopmans, Don & Debarah

Decision Date: March 23, 1998

Proposal: Proposed to retain an existing extension to a temporary single wide mobile home which is in excess of the max. size of addition permitted by the Temporary Mobile Home Policy on the 11 ha property.

Decision: Allowed.

Application #36618-0

Applicant: Crawford, Anne and Garnet

Decision Date: June 27, 2006

Proposal: To subdivide the 11.6 ha parcel into one 4 ha parcel and one 7.6 ha parcel

Decision: Allowed due to limited agricultural capability and minimal availability of water for irrigation.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

STAFF COMMENTS:

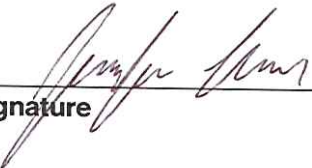
It is recommended that the Commission consider the following:

- Subdivision into small lots would greatly reduce the agricultural options for the property.
- Although the adjacent properties are not under application at this time, approval of subdivision on the subject property could lead to subdivision applications from adjacent property owners.
- The improved ratings of the agricultural capability of the property are identified as prime dominant (Class 2, and some Class 6).
- A site visit will help to determine whether or not this proposal will have an impact on agriculture and if the road constitutes a major obstruction to farming the property as a whole.

ATTACHMENTS:

1. Base Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Sketch of proposal
5. Proposal (5 pages)
6. Local Government Staff Report (6 pages)

END OF REPORT



Signature

Oct 19, 2007

Date