



**Staff Report**  
**Application # L – 37549**  
**Applicant: Heather Thomason**

**DATE RECEIVED:** July 12, 2007

**DATE PREPARED:** October 19, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide the 16 ha subject property to create two (2) 4 ha lots, one (1) 1.4 ha lot as divided by Thomason road and a 5.7 ha residential remainder for the owner.

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: 005-606-039

District Lot 9941, S 1/2, and Kootenay District, EXCEPT Part included in Plan NEP20178

**Purchase Date:**

1961-06-01

**Location of Property:**

7921 Clarricoates Road, Meadowbrook

**Size of Property:**

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

**Present use of the Property:**

Residence, storage, wood shop, garage

**Surrounding Land Uses:**

**West:** Dog Kennel, Single Family Residence  
**South:** Single Family Residence  
**East:** Single Family Residence  
**North:** Single Family Residence

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/12  
The majority of the property is identified as having Mixed Prime and Secondary ratings, improvable to Class 3 with limitations of stoniness and excess water.

**Official Community Plan and Designation:**

Kimberley Rural OCP Bylaw No. 1924 (2006)  
Designation: RR, Rural Resource,  
Minimum Lot Size 8.0 ha

**Zoning Bylaw and Designation:**

Kimberley Rural Zoning and Floodplain Management Bylaw No. 1925 (2006)  
Current Designation: RR-16 Rural Residential (Extensive) Zone  
Current Minimum Lot Size: 16.0 ha

**PREVIOUS APPLICATIONS:**

**Application #01529-0**

**Applicant:** Treichel, W.  
**Decision Date:** 1976  
**Proposal:**  
**Decision:**

---

**RELEVANT APPLICATIONS:**

**Application #28440-0**

**Applicant:** SEIFRIED, R. & R.  
**Decision Date:** 1994  
**Proposal:** To subdivide the 36 ha property into 3 lots of 5.5 ha with a remainder of 18 ha as divided by a road  
**Decision:** Refused as proposed but allowed subdivision into 2 parcels as divided by the road.

---

**Application #28505-0**

**Applicant:** Johansen, E & J  
**Decision Date:** 1994  
**Proposal:** To subdivide the 4.0 ha property into 2 lots of 2.0 ha.  
**Decision:** Approved.

---

**Application #37340-0**

**Applicant:** Caldwell, Harry & Lauriss  
**Decision Date:** July 13, 2007  
**Proposal:** Subdivide one 16.6 ha parcel into two 8 ha lots each.  
**Decision:** Allowed on the grounds of low agricultural capability and minimal impact.

---

**Application #37675-0**

**Applicant:** Hirn, August and Liane  
**Decision Date:** Currently under review  
**Proposal:** To subdivide the 4.87 ha subject property to create one (1) 2 ha lot and a 2.8 remainder.  
**Decision:** N/A; Currently under review

---

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

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

**Advisory Planning Commission:** Supports the application

**Electoral Area Director:** Supports the application

**Local Government Staff:** Recommends that the application be supported as it is consistent with adjacent parcel sizes. The zoning bylaw accommodates the proposed 1.4 ha lot, separated by the rd, but rezoning would be required for the 4.0 ha lots.

**STAFF COMMENTS:**

- It is noted that significant subdivision has occurred in this area, some of which has been approved by the Commission. An early policy of the Commission (1977) permitted subdivision down to 2 ha to the north of Highway 95A but in its comments on the Kimberley Rural OSP in 1982 the Commission endorsed minimum parcel sizes of 8 ha and 16 ha north and south of the highway respectively. Previous decisions have been consistent with the Plan, however the Commission has recognized that each application must be considered on its own merit.
- The applicant bought the property with her husband in 1961, although it appears that the applicant was not added to the title until 1986, on her husband's passing. In evaluating this application the Commission may wish to give consideration to the length of time the applicant has lived on the property.
- A site visit may help to determine the impact of the subdivision on the long-term agricultural use of the property and surrounding area.

**ATTACHMENTS:**

- Base Map
- Air Photo Map
- Proposal from applicants
- Sketch of Proposed Subdivision
- #36610 - Response to Kimberley OSP (2006)

**END OF REPORT**

  
\_\_\_\_\_  
Signature

10/19/07  
\_\_\_\_\_  
Date