



Staff Report
Application # F – 37603
Applicant: Lionel and Irene Binette
Agent: Ward Engineering & Land Surveying Ltd

DATE RECEIVED: August 7, 2007

DATE PREPARED: August 21, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide a 0.6 ha lot from the ALR portion of the 24.7 ha subject property and exclude it from the ALR. The proposed new lot includes the existing homesite.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

This file was brought forward to the Commission for a decision on September 6, 2007, under the understanding that the Commission had already considered the Crawford Bay area along with the Boswell/Grey Creek area and found minimal agricultural potential in that area.

However, upon closer review, staff found that Crawford Bay was reviewed in the same study as the Boswell/Gray Creek areas and the Commission decided the ALR boundary was generally accurate, though they'd be willing to review it further once the OCP was done. A draft OCP was submitted in July 2007 and the subject property was left designated for agriculture. Therefore the decision was tabled until a site visit could be arranged.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 011-186-305
Parcel A (See 927771), of Parcel 1 (See 96591), District Lot 5021, Kootenay District

Purchase Date:

1992-04-01

Location of Property:

16105 and 16107 Seymour Road

Size of Property:

24.7 ha (approximately half the property is in the ALR).

Present use of the Property:

Agricultural - one storage and one residential modular home

...2

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Residential
SOUTH: Residential
EAST: Highway 3A
NORTH: Seymour Road

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/10

The majority of the ALR portion of the property is identified as having ratings of Class 3 (improvable) with a limiting subclass of C (adverse climate). The non-ALR portion of the property is 80% Class 7, 20% Class 6 with limitations of bedrock and topography.

Official Community Plan and Designation:

OCP: N/A

Zoning Bylaw and Designation:

Zoning: N/A

PREVIOUS APPLICATIONS:

Application #31079-0

Applicant: Lionel & Irene Binette

Decision Date: February 24, 1997

Proposal: To subdivide the 24.7 ha property along the ALR boundary into 1 lot in the ALR of 12.6 ha and a lot outside the ALR of 12.1 ha.

Decision: Allowed as proposed. Suggest fencing should be constructed if necessary to encourage the agricultural use of the ALR portion of the property.
Subdivision plans have not been registered.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Central Kootenay: No comments or recommendations, as per policy.

STAFF COMMENTS:

- The subject property (both ALR and non-ALR portions) is designated as agriculture in the draft OCP. The draft OCP has not been endorsed by the Commission, and there are some areas that have been designated as non-agriculture in the OCP that warrant further review by the Commission.
- At the onsite meeting, the possible benefit of retaining the 0.6 ha lot in the ALR and the potential to subdivide outside the ALR could be discussed with the applicant.

ATTACHMENTS:

- ALR Map (1:50,000)
- Agricultural Capability Map
- Orthophoto (supplied by CKRD)
- Plan of proposed subdivision
- #37570 – response to draft OCP
- Draft OCP Land use designations

END OF REPORT



Signature



Date