



**Staff Report**  
**Application # F – 37621**  
**Applicant: North Canyon Improvement District**

**DATE RECEIVED:** August 17, 2007

**DATE PREPARED:** October 19, 2007

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

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

**PROPOSAL:** To exclude the 4.0 ha subject property to subdivide into two, 2.0 ha lots create a separate irrigation system to supply irrigation water to the majority of agricultural residents in the North Canyon Improvement District.

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

**BACKGROUND INFORMATION:**

The proposal states: “As we are in the Improvement District and are not eligible for Regional District grants, we are looking at putting in a separate irrigation system to supply irrigation water to the majority of our agricultural residents. In doing so it would preserve our existing potable water source. The subdivision would allow us to sell a portion of the 10 acres (4.0 ha) in order to finance part of the irrigation system.”

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 006-830-188  
Lot 160, District Lot 812, Kootenay District, Plan 921

**Purchase Date:**

2004-06-01

**Location of Property:**

Canyon, Lister Road

**Size of Property:**

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

**Present use of the Property:**

100,000 gal reservoir, electrical and computer control building water screening shed

**Surrounding Land Uses:**

**WEST:** Residential  
**SOUTH:** Residential  
**EAST:** Crown Land, non-ALR  
**NORTH:** Hobby Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/01  
The majority of the property is identified as having Mixed Prime and Secondary ratings of Class 2 (improvable) with limitation subclass of moisture deficiency and Class 4, with limitation of topography.

**Official Community Plan and Designation:**

Creston Valley OCP Bylaw 1575  
Designation: N/A

**Zoning Bylaw and Designation:**

Zoning: Bylaw 1675  
Designation: AG1 (Agriculture)  
Minimum Lot Size: 4 ha within the ALR, 2 ha outside the ALR

**RELEVANT APPLICATIONS:**

**Application #07506-0 (To South)**

**Applicant:** Filip, O  
**Decision Date:** 1979  
**Proposal:** To exclude the 4.0 ha property due to low agricultural capability.  
**Decision:** Refused on the grounds that the property is in an area of high agricultural capability which is actively farmed, and that the proposal would encourage urban intrusion to the area.

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**Application #08081-0 (Adjacent to East)**

**Applicant:** Puttock, G.H. & E.V.  
**Decision Date:** 1979  
**Proposal:** To subdivide a 1.0 ha parcel, and consolidate the remaining 3.0 ha with the adjacent property (Lot 166)  
**Decision:** Allowed as the consolidation would create a 6 ha property and the proposed s/d is for the applicant's homesite.

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**Application #29240-0 (To South)**

**Applicant:** Walton, Julia  
**Decision Date:** 1994  
**Proposal:** To subdivide the 4.0 ha property into two parcels to sell one lot for funding of upgrades on the remainder.  
**Decision:** Refused on the grounds that subdivision would decrease the agricultural capability of the property and impact the ag lands to the west by creating more residential uses in an ag area.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of Central Kootenay:** No comments or recommendations.

**Local Government Staff:** Noted that subdivision would require exclusion from the ALR to meet minimum parcel size.

**STAFF COMMENTS:**

- The subject property is in an area of high agricultural production. Proposals for subdivision or exclusion in this area have historically been refused.
- The parcel size is consistent with the area, and is the minimum size allowed for properties within the ALR.
- The proposal for exclusion is to facilitate a subdivision. Subdivision would allow one lot to be sold to finance an irrigation system. Other options may be available which would enable the irrigation system without subdivision, or exclusion from the ALR. It is suggested that this be discussed with the applicant at the site visit.

**ATTACHMENTS:**

- ALC Context Map
- ALC Context Map 2
- Air Photo
- Sketch of Proposal
- Letter of opposition

**END OF REPORT**

  
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Signature

  
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Date