



Staff Report
Application # L – 37625
Applicant: Leo and Dianne Kienitz

DATE RECEIVED: August 20, 2007

DATE PREPARED: October 16, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To exclude the subject property for rezoning and to subdivide. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has had involvement regarding the boundary extensions of the District of Invermere's residential area into the ALR. The following is an excerpt from a Commission letter dated July 13, 1999 to the District of Invermere. Subsequent planning reviews in this area have also supported this statement.

General Comments on Future Boundary Extensions and/or Block Exclusions

The District made it clear at the May 27, 1999 meeting with the Commission that the intention is to expand southward onto the ALR lands adjacent to the current exclusion application. Though the Commission supports the District's philosophy that additional development in the area should take place adjacent to existing settlement areas, the Commission onsite review suggested that there are ample properties adjacent to Invermere but outside the ALR that are available for settlement.

If, in the future, the District is in a position to make the case that all non-ALR lands have been developed at a sustainable level of density, the Commission may consider an area with relatively poorer soils in the ALR south of Invermere that would link up a previously excluded area of ALR with the existing settlement area and may be an appropriate area for expansion of settlement (see attached map #1). The Commission pointed out this area during the meeting with the District and suggested it as a possible area for expansion.

Local Government:

District of Invermere

Legal Description of Property:

PID: 013-506-722

Lot 1, District Lot 1092, Kootenay District, Plan 8385, Except part included in Plan NEP20703

Purchase Date:

1982

Location of Property:

15 Avenue, Invermere

Size of Property:

3.4 ha (Approximately 1.1 ha of the property is in the ALR).

Present use of the Property:

Single family residence and workshop

Surrounding Land Uses:

WEST: Residential
SOUTH: Single family residence
EAST: Future Multi Family
NORTH: Single Family and future multi family

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/8
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 1085 (2001)
Designation: Rural Resource

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1145 (2002)
Designation: RR-2 Rural Resource
Minimum Lot Size: 4.0 ha

RELEVANT APPLICATIONS:

Application #30410-0

Applicant: Hollybow, Larry
Decision Date: February 20, 1996
Proposal: To exclude four small parcels of land for rezoning to residential use and sale and development
Decision: Refused, exclusion not justified on agricultural grounds and reasons for exclusion for residential development should be done within the concept of an OCP review in order to determine the need for more land for residential growth.

Application #30410-1

Applicant: Hollybow, Larry
Decision Date: June 22, 1999
Proposal: Requested reconsideration of original request for exclusion of 5.45 ha based on District of Invermere's adoption of an OCP which designates this area for higher density residential development.
Decision: Refused on the grounds of good agricultural capability and availability of poorer capability lands for development within the District of Invermere's boundaries.

Application #33560-0

Applicant: Budzak, Terry
Decision Date: March 09, 2001
Proposal: Mr. Budzak is requesting permission to build a permanent dwelling on his property in the ALR. There are presently two mobile homes on the land, one for him and one for his mother.
Decision: Refused the application to add an additional dwelling to the property.

Application #30410-2

Applicant: Hollybow, Larry
Decision Date: November 06, 2001
Proposal: To exclude four parcels of land totaling 5.4 ha to supply a form of affordable seniors housing and affordable single family housing to the community.
Decision: To approve the application subject to agreement being reached with regard to amendments to the OCP to strengthen the urban containment provisions

Application #33560-1

Applicant: Budzak, Terry
Decision Date: September 24, 2002
Proposal: To allow closure of old area dedicated for Island Highway (never constructed through this section) and road dedication along Allgard road
Decision: Allowed as requested. Will prevent construction of road bisecting property.

Application #34809-0

Applicant: Sinha, Mahabir & Rowena
Decision Date: June 25, 2003
Proposal: To exclude the subject property from the Agricultural Land Reserve for the purpose of subdivision into residential lots.
Decision: Allowed as requested.

Application #37626-0

Applicant: King, James Carl
Decision Date: n/a
Proposal: To exclude the subject property.
Decision: To be viewed during same trip.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

Council for the District of Invermere forwarded the application with a recommendation of support

STAFF COMMENTS:


It is recommended that the Commissioners consider the following:

- The District of Invermere's OCP does not support applications for ALR exclusions East of 13th Avenue, however it does not comment on applications west of 13th Avenue. The subject property is west of 13th Avenue. The District Staff recommended support of this application. The complete District Staff Report is attached for further information.
- The improved ratings for the agricultural capability of the subject property are Class 3, 5 & 6 with limitations of topography, stoniness and soil moisture deficiency.
- In previous reviews of this area the Commission has not endorsed the exclusion of the subject property. Please see attached map for more information.
- The Commission's mapping department found that approximately 1.1 ha of the property is within the ALR boundary.
- A site visit will help to determine whether or not the proposed exclusion will have an impact on agriculture.

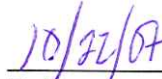
ATTACHMENTS:

1. ALC Base Map
2. Agricultural Capability Map
3. Map from Commission letter dated July 13, 1999
4. Sketch of Proposal
5. District Staff Report (3 pages)

END OF REPORT



Signature



Date