



Staff Report
Application # F – 37642
Applicant: Nixon Family Farm Society

DATE RECEIVED: August 27, 2007

DATE PREPARED: October 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 160 ha parcel to create one (1) parcel of 6.1 ha, The remaining parcel would comprise of mountainside in timber, a creek ravine, 10.0 ha of bench land and about 16.9 ha of floodplain. The purpose of the application is to dispose of the farm through dissolution and distribution to the members and sale on the market of the remaining parcels.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 012-938-157

Lot 1, District Lot 383, Kootenay District, Plan 726, EXCEPT Parts included in Plans 1064 and 1192

Purchase Date:

1985

Location of Property:

7030 Powell Road, Winlaw

Size of Property:

160.0 ha (Approximately 40 ha of the property is in the ALR).

Present use of the Property:

Residence, tree nursery, cattle, boarding horses, growing strawberries and caliper size shade and ornamental trees, and farm buildings

Surrounding Land Uses:

WEST: Crown Land
SOUTH: Residential lots, horse farm
EAST: Slocan River
NORTH: Elder's farm and timber land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/12
The majority of the property is identified as having Mixed Prime and Secondary ratings. The portion of the property within the ALR is rated as Class 2M (moisture deficiency), Class 4MT (moisture deficiency, topography), and Class 5WI (excess water, inundation).

Official Community Plan and Designation: N/A

Zoning Bylaw and Designation: N/A

RELEVANT APPLICATIONS:

Application #28669-0 (To South)

Applicant: Provincial Agricultural Land Commission
Decision Date: February 03, 1994
Proposal: ALR review of the Slocan Valley requested exclusion of almost 900 ha of ALR land.
Decision: Partial Approval. Commission allowed exclusion of 861.0 ha and refused 32.6 ha subject to inclusion of approximately 100 ha.

Application #36060-0

Applicant: Ferguson, Peter & Mona
Decision Date: August 10, 2005
Proposal: To subdivide the 30.4 ha subject property into three (3) parcels - approximately 17.0 ha, 8.9 ha and 4.5.
Decision: Approved as the proposed subdivision is located in an area of slope that transitions between the lower fields adjacent to the Slocan River and the upper bench, in a location where there will be no impact on agriculture

Application #36559-0 (Adjacent to North)

Applicant: Warthe, Donald & Lois
Decision Date: June 26, 2006
Proposal: To subdivide the property into two approximately equal lots to provide the applicants' children with separate lots to reside. There are two dwellings on the property and this proposal would provide each of their children with separate title.
Decision: Allow subdivision into two roughly equal lots on the grounds the property has little agricultural potential due to steep topography.

Application #37327-0

Applicant: Frith, Margaret
Decision Date: July 13, 2007
Proposal: To subdivide the 7.2 ha subject property into two (2) lots.
Decision: Refused as proposed on the grounds that the proposal would split the area of the property with good agricultural capability. Allowed alternative proposal of 1.0 ha in the wooded area of the property.

Application #37560-0

Applicant: Stooshnoff, Jason & Lisa
Decision Date: September 05, 2007
Proposal: To subdivide the 6.2 ha subject property to create 3 lots of 1.0 ha, and a remainder of 3.2 ha.
Decision: Refused as proposed, but allowed subdivision of two (2), 2.5 ha lots plus the remainder, on the grounds of agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Central Kootenays: No comments or recommendations

Local Government Staff: Although the RDCK has no zoning or OCP for this area, the subject parcel is located in a P rated hazard zone in addition to the Perry Ridge Hazard area. The RDCK objects to the subdivision subject to the high hazard rating of the property and potential for future densification as a result of subdivision.

STAFF COMMENTS:

- The configuration of the subdivision appears to be in the middle of the subject property, in an area of the property identified as 70% Class 2. It further appears to separate the existing pasture.
- A site visit may help to determine the impact of the proposal on the long-term agricultural capability of the property.

ATTACHMENTS:

- ALC Context Map
- ALC Context Map 2
- Air Photo
- Agricultural Capability Map
- Letter from Applicant
- Sketch of Proposal
- Proposed Building Layout

END OF REPORT



Signature

10/22/07

Date