



Staff Report
Application # F – 37690
Applicant: Russell Brinton

DATE RECEIVED: September 24, 2007

DATE PREPARED: October 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude the subject property for the purpose of subdividing the property and creating two lots.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 024-384-321
Lot 1, District Lot 7449, Kootenay District, Plan NEP63763

Purchase Date:

2005-11-01

Location of Property:

Birch dale, access by boat only.

Size of Property:

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

Present use of the Property:

Residence, vacant for six years, cabin used for vacation property, barn used for storage.

Surrounding Land Uses:

WEST: Residential Dwelling, vacant
SOUTH: Residential Dwelling, vacation property

EAST: Residential Dwelling, vacation property
NORTH: Kootenay Lake

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/2
The majority of the property is identified as having Prime Dominant ratings of Class 3PT(stoniness, topography).

Official Community Plan and Designation: N/A

Zoning Bylaw and Designation: N/A

RELEVANT APPLICATIONS:

Application #06496-0

Applicant: R.D. of Central Kootenay
Decision Date: August 24, 1978
Proposal: To review and refine the ALR boundaries through public information meetings.
Decision: After review in the field and a Public Hearing meeting held, the 3,554.7 ha area requested for exclusion from the ALR was approved.

Application #06496-1

Applicant: ALC & RD
Decision Date: August 24, 1978
Proposal: Include 161.9 ha
Decision: Cabinet approved inclusion by OIC (161.9 ha).

Application #09550-0 (Adjacent to East)

Applicant: Pommier, D'arcy & Mary Sara
Decision Date: 1980
Proposal: To subdivide the 5.0 ha property into 7 residential lots
Decision: Allowed based on no impact to agriculture.

Application #14537-0

Applicant: Pommier, D & M
Decision Date: 1982
Proposal: Subdivision
Decision: Allowed

Application #27514-0 (Adjacent to South)

Applicant: LILLIES, ULLA & JAMES
Decision Date: August 18, 1993
Proposal: Non-farm use for bed and breakfast and cabins
Decision: Approved.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDCK Board: No comments or recommendations

Local Government Staff: No objections to the proposal

STAFF COMMENTS:

- The property is accessible by water only , and has no road access or electricity. Given the small size of the property and its isolated location, it is unlikely to be used for agriculture.
- Based on the history of applications and Commission approvals in this area, it would appear that the area has little agricultural potential.

- One letter of opposition was submitted, noting that the land has been used for agriculture and that it is vital for local land with capability to be preserved.
- The applicant has noted that his main objective is for subdivision of the property, and would be satisfied with subdivision within the ALR as well.

ATTACHMENTS:

- ALC Context Map 1 & 2
- Aerial Photo
- Sketch of Proposal
- Letter from Applicant
- Proposal description from applicant
- Letter of opposition
- Response from Applicant to Letter of Opposition

END OF REPORT



Signature

10/22/07

Date