



## Agricultural Land Commission Staff Report

**DATE:** August 7, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 45891

**PROPOSAL:** To subdivide the 48.6 ha property into two lots of roughly equal size. The landowner is no longer able to farm due to poor health and wants to remain in his home. He believes that both resulting parcels can be developed into two viable farm businesses.

### PROPOSAL INFORMATION

**Background:** One previous application has been considered on the property.  
**Received Date:** April 3, 2009  
**Applicant:** Basque Ranch Ltd.  
**Agent:** N/A  
**Local Government:** Regional District of Kootenay-Boundary

### DESCRIPTION OF LAND

**PID:** 010-245-171  
**Legal Description:** District Lot 215, Similkameen Division of Yale District, Plan 5758, EXCEPT Plan 29829  
**Civic Address:**  
**Area:** 48.6 ha  
**ALR Area:** 48.6 ha  
**Purchase Date:** October 9, 1980  
**Owner:** Basque Ranch Ltd.

**Total Land Area:** 48.6 ha  
**Total ALR Area:** 48.6 ha  
**Current Land Use:** Hay farm, with residence and outbuildings.

### PROPOSAL DETAILS

**Subdivision**

<b>Area</b>	<b>Agricultural Capability</b>	<b>Agricultural Capability Source</b>
48.6	Mixed Prime and Secondary	CLI

<b>Number of Lots</b>	<b>Lot Size (ha)</b>
1	24.0
1	24.8

**Surrounding Land Uses:**

North	Hillside, rural residential lots in the ALR.
East	Rural residential property
South	Kettle River
West	Ranch with haylands and a small cattle herd.

**Official Community Plan**

**Bylaw Name:** No OCP exists in this area

**Designation:**

**OCP Compliance:**

**Zoning**

**Zoning Bylaw Name:** No Zoning bylaw exists in this area

**Zoning Designation:**

**Minimum Lot Size:** ha

**Zoning Compliance:**

**PREVIOUS APPLICATIONS**

**Application #:** 38921

**Applicant:** J & T Sabo

**Proposal:** To subdivide a 12 ha lot from a 46 ha property (Sabo Ranch) and to subdivide a 16 ha lot from the 48 ha property (Basque Ranch) and consolidate the remainders into a single 68 ha lot.

Both of the subdivided parcels would contain the existing homes and outbuildings.

**Decisions:**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
562	August 16, 1990	Refuse as proposed.

**Note:** The current applicant is the same landowner as was refused subdivision in 1990.

## Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Planning staff concurs that the application be denied because the land as currently configured represents a viable agricultural unit. Subdivision would reduce the agricultural potential of the unit.
Board/Council	Refuse	The Regional Board of Kootenay Boundary forwarded the application with a recommendation that the application be denied.
Advisory Planning Committee	Refuse	The Electoral Area E APC recommended that the application be denied.

## STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The land under application has good capability for agricultural uses. Subdivision into two lots will necessitate the construction of another home, yard, access and other outbuildings, resulting in a smaller arable area and a less efficient operation.
- 2) It is the Commission's experience that smaller parcels offer a narrower range of agricultural options and reduced likelihood of agricultural use.
- 3) The local government and the local Advisory Planning Committee do not support the application.
- 4) The Commission previously (1990) refused the subdivision of this property citing concerns about parcelization and reduced agricultural capability.

## ATTACHMENTS

38930(45891) sketch plan.pdf  
38930\_AirphotoMap.pdf  
38930\_ContextMap20k.pdf

## END OF REPORT

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Signature

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Date