



Agricultural Land Commission Staff Report

DATE: August 10, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 45997
PROPOSAL: To subdivide a 5 ha lot and a 7.5 ha lot from the southeastern corner of the 92 ha property.

Only 4 ha of the proposed 7.5 ha lot lies in the ALR. The 5 ha lot does not affect the ALR. The remaining ALR portion (21 ha approx.) of the subject property is not adjacent to the two lots, but lies some distance away on the other side of a mountainous ridge

PROPOSAL INFORMATION

Background: One previous applications has been considered on the subject property.
Received Date: May 14, 2009
Applicant: Rick & Lynn Rexin
Agent: N/A
Local Government: Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 024-838-535
Legal Description: Lot 1, District Lot 2625 and 3637, Similkameen Division of Yale District, Plan KAP67352
Civic Address:
Area: 92 ha
ALR Area: 25 ha
Purchase Date: July 1, 1994
Owner: Rick & Lynn Rexin

Total Land Area: 92 ha
Total ALR Area: 25 ha
Current Land Use: Developed hayfields (12 ha) and forested hillside areas. Residence and outbuildings.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
------	-------------------------	--------------------------------

25.0	Secondary	CLI
------	-----------	-----

Number of Lots Lot Size (ha)

1	4.0
1	21.0

Surrounding Land Uses:

North	Forested non ALR land
East	Hayfields in the ALR
South	Forested non ALR land
West	Forested non ALR land

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:

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	The Regional District of Kootenay Boundary Board of Directors forwarded the subdivision with a recommendation that the APC's suggestions regarding the reconfiguration of the proposed Lot 2 be considered.
Advisory Planning Committee	Approve	The Electoral Area E APR had no objection to the proposed Lot 1 and recommended that the proposed Lot 2 be reconfigured so that an arable area of approximately 4 ha be retained with the parent parcel.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The two proposed lots are located on Christian Valley Rd. some distance from the largest arable ALR portion of the property. Only one of the proposed lots affects the ALR (about 4 ha of the 7.5 ha Lot 2).
- 2) The APC has recommended that proposed Lot 2 be reconfigured (to a 3.5 ha lot) so that the 4 ha ALR portion remains with the parent parcel.

3) It is noted that a new lot could be subdivided along the ALR boundary without the necessity of an application, resulting in a 4 ha lot adjacent to Christian Valley Rd.. This would eliminate the necessity of reconfiguring Lot 2. Additionally the agricultural benefits of retaining the 4 ha area with the parent parcel are not well articulated. Theoretically if the 4 ha were developed in conjunction with existing hayfields then agricultural capacity would be increased. However given the distance between the 4 ha area and the existing hayfields it seems unlikely that development will occur. What seems more likely is that a smaller 7.5 ha would result in the agricultural development of the 4 ha ALR portion of the property.

4) Should the Commission wish to preserve the agricultural capability of the 4 ha area proposed for subdivision it is suggested that a covenant be registered against the title of the new Lot 2 prohibiting the construction of a dwelling in the ALR.

ATTACHMENTS

45997 sketch map.pdf
39017_AirphotoMap.pdf
39017_ContextMap20k.pdf

END OF REPORT

Signature

Date