



Agricultural Land Commission Staff Report

DATE: October 29, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50788
PROPOSAL: To subdivide the 8.6 parcel into two lots of roughly equal size as per Section 946 of the Local Government Act, for a building lot for applicant's father.

PROPOSAL INFORMATION

Background: One previous application was considered on the property - in 1991.
Received Date: October 16, 2009
Applicant: Mark Himmelspach
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 018-550-444
Legal Description: Lot 6 District Lot 4596 Kootenay District Plan NEP20959
Civic Address: 2275 Kootenay Road #3, Windermere, BC
Area: 8.6 ha
ALR Area: 8.6 ha
Purchase Date: February 19, 2002
Owner: Mark Himmelspach

Total Land Area: 8.6 ha
Total ALR Area: 8.6 ha
Current Land Use: Single family dwelling garage and a shop. The subject property and the adjoining 8 ha lots are forested. No agricultural development has occurred.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
8.6	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
2	4.3

Surrounding Land Uses:

North 8 ha rural residential Lot
East Elkhorn Estates Acreage Development - in process
South 8 ha rural residential Lot
West Shuswap First Nation land

Official Community Plan

Bylaw Name: Bylaw # 2061, 2008
Designation: Rural Resource
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw #900 (Upper Columbia Zoning Bylaw)
Zoning Designation: A-2 Rural Residential
Minimum Lot Size: 8.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 4557

Applicant: Elkhorn Ranch Ltd

Proposal: To subdivide the 60 ha portion of the 214 ha property lying south of the road into seven lots of approximately 8 ha.

Decisions:

Resolution

Number	Decision Date	Decision Description
252	March 27, 1992	Refused as proposed on the grounds of increased potential for rural residential conflict.

Note: The application was reconsidered and allowed. The current subject property is the result of the subdivision.

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	The Regional District of East Kootenay forwarded the application with a recommendation of support
Advisory Planning Committee	Approve	The Advisory Planning Committee for Electoral Areas F and G support the application

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The soil capability rating assessment provided by David Yole (P.Ag) indicates that CLI Class 1-4 lands occupy 5.2 ha and that CLI Class 5-7 lands occupy 3.5 ha. The main limitation to agriculture is steep terrain with minor limitations of stoniness and alkaline soils. There is no potential for improvement through irrigation.
- 2) The Regional District and Electoral Area APC support the subdivision proposal.

3) The Commission allowed the exclusion of similar capability adjacent lands across the Highway for the Elkhorn Ranch residential development.

4) The parcel is rather small for agricultural development, should any be possible due to the lack of irrigation water (there are no potential irrigation watercourses and very limited groundwater).

ATTACHMENTS

50788_ContextMap20k.pdf

50788 airphoto.pdf

50788 sketch plan.pdf

END OF REPORT

Signature

Date
