



Agricultural Land Commission Staff Report

DATE: November 19, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50807
PROPOSAL: To subdivide the three 1 ha lots from the 42.3 ha property containing existing homes occupied by family members.

PROPOSAL INFORMATION

Background: The property contains four dwellings, two more than is permitted by the bylaw.
Received Date: Previously, in 2007 the Commission refused the same subdivision of three lots.
Applicant: October 16, 2009
Agent: William & Doreen Ruault
Local Government: John Zimmer
Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 011-454-245
Legal Description: Lot 1, District Lot 21 & 5118, Kootenay District, Plan 8594
Civic Address: 2280 Ruault Road, Rushmere area
Area: 42.3 ha
ALR Area: 42.3 ha
Purchase Date: October 22, 1973
Owner: William & Doreen Ruault

Total Land Area: 42.3 ha
Total ALR Area: 42.3 ha
Current Land Use: Hayland, in agricultural use. Four single family dwellings and a number of agricultural outbuildings and sheds

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
42.3	Secondary	CLI

Number of Lots	Lot Size (ha)
3	1.0
1	39.3

Surrounding Land Uses:

North	Agricultural (pasture and hayfield) uses in the ALR
East	Windermere Lake, lakeshore residential Lots
South	Forested crown Land
West	Forested hillside lands in the ALR - used for grazing.

Official Community Plan

Bylaw Name:	Windermere Lake OCP - Bylaw 2061
Designation:	Rural Resource
OCP Compliance:	No

Zoning

Zoning Bylaw Name:	Upper Columbia Valley Zoning Bylaw
Zoning Designation:	A-1 Rural Resource Zone
Minimum Lot Size:	60.0 ha
Zoning Compliance:	No

PREVIOUS APPLICATIONS**Application #:** 43931**Applicant:** William Ernest Ruault**Proposal:** Subdivide for a Relative: to subdivide three parcels, 0.8ha, 0.5ha and 0.6ha from the parent lot of 43 ha for family members who are involved in the farm operation.**Decisions:****Resolution**

Number	Decision Date	Decision Description
391	July 13, 2007	Refused due to parcelization of agricultural land would be a negative impact.

Note: Legacy Number # 37341 (Subdivision)**Committee Recommendations**

Type	Recommendation	Description
Board/Council	Approve	The Regional District Board of Directors forwarded the application with a recommendation of support.

STAFF COMMENTS

Staff recommends that the Commission consider the following:

- 1) The Commission refused the same application in 2007 because of concerns about impacts of rural

residential development on the long term agricultural potential of the property.

2) The land is developed for agriculture and has similar soil capabilities (Class 4) to other pasture and hayland parcels in the Lake Windermere area.

3) The Lake Windermere OCP specifically references the property and the non conforming residential uses, indicating that the Regional Board will generally support subdivision as a long term solution.

4) The size and configuration of the proposed parcels will not interfere with the agricultural uses of the remnant. Approximately 2 ha of the 3 ha proposed for subdivision is comprised of non cultivable hillside. The remainder is currently used for buildings, yards and access.

5) The family members help on the farm operation.

6) However, in the long term, if family members no longer own the 1 ha lots it is possible that negative impacts might arise on the farm remainder.

ATTACHMENTS

50807 sketch.pdf
50807_AirphotoMap.pdf
50807_ContextMap20k.pdf

END OF REPORT

Signature

Date