



Agricultural Land Commission Staff Report

DATE: January 26, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 51171
PROPOSAL: To exclude 9.1 ha from the ALR for residential development.

PROPOSAL INFORMATION

Background: The Commission refused the exclusion of the property in 1978. There is
Received Date: significant community opposition to the exclusion.
Applicant: November 5, 2009
Agent: Roland & Sherrie Muller
Local Government: N/A
Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 017-219-850
Legal Description: Lot 1 District Lot 222 Kootenay District Plan 1189
Civic Address: 6348 Mill Creek Road, Nelson
Area: 14.3 ha
ALR Area: 9.1 ha
Purchase Date: May 27, 2008
Owner: Roland & Sherrie Muller

Total Land Area: 14.3 ha
Total ALR Area: 9.1 ha
Current Land Use: Single family dwelling, unused barn and vacant land

PROPOSAL DETAILS

Exclusion

| Area | Agricultural Capability | Agricultural Capability Source |
|------|----------------------------|-----------------------------------|
| 9.1 | Mixed Prime and Secondary | CLI |

Surrounding Land Uses:

North Nursery in the ALR
East Crown in the ALR
South Crown Land - forested non ALR hillside
West 14 ha parcel, (~9 ha in the ALR) comprised of a residence, rental cabins, and hobby farm

Official Community Plan

Bylaw Name: No OCP exists for 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 #: 23145

Applicant: C.H. Muller

Proposal: To exclude the 9 ha ALR portion of the 14 ha property from the ALR for residential development.

Decisions:

| Resolution Number | Decision Date | Decision Description |
|-------------------|---------------|----------------------|
|-------------------|---------------|----------------------|

Note: This application was refused in 1978 because the land had good agricultural capability.

Committee Recommendations

| Type | Recommendation | Description |
|---------------|----------------|--|
| Board/Council | Refuse | The Regional District of Central Kootenay Board forwarded the application without support for exclusion. |

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The Board of Directors of the Regional District of Central Kootenay does not support the application.
- 2) The land is capable and suitable for agricultural use.
- 3) The local community is opposed to the exclusion. Sixteen letters and e-mails have been forwarded with the application which express opposition to the exclusion. The primary reasons provided are: the land can be used for agriculture, and the area is rural in nature.
- 4) The Commission refused the exclusion of this property in 1978.

ATTACHMENTS

51171_ContextMap20k.pdf

51171_AirphotoMap20k.pdf

END OF REPORT

Signature

Date
