



Agricultural Land Commission Staff Report

DATE: April 27, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51631
PROPOSAL: To subdivide the 8.8 ha subject property into two parcels as they are separated by Beaver Creek.

PROPOSAL INFORMATION

Background: The west lot would retain the home and structures and a small hayfield, while the east lot is hayfield and pasture. Potential buyer for the eastern portion. Create driveway for access along a strip that does not produce hay.

Received Date: March 8, 2010
Applicant: Brian Wolf, Natasha Fochler
Agent: N/A
Local Government: Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 002-951-665
Legal Description: Lot 1, District Lot 1466, Similkameen Division Yale District, Plan 34487
Civic Address: Beaver Creek Road, northeast of Beaverdell

Area: 8.8 ha
ALR Area: 8.8 ha
Purchase Date: June 7, 2007
Owners: Brian Wolf
Natasha Fochler

Total Land Area: 8.8 ha
Total ALR Area: 8.8 ha
Current Land Use: Residence, shop, old barn

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
8.8	Prime Dominant	CLI

Number of Lots	Lot Size (ha)
1	3.3
1	5.1

Surrounding Land Uses:

North Driveway and pasture
 East Residential properties
 South Apple orchard, driveway and residence
 West Hayfields and pasture

Official Community Plan

Bylaw Name: There is no OCP in this area.

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: There is no zoning in this area.

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

PREVIOUS APPLICATIONS

Application #: 28527

Applicant: West Kettle Ranch

Proposal: To subdivide the non ALR subject property into 20 parcels ranging from 0.5 ha to 1.0 ha. In addition access roads were requested.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: This application was allowed. Resolution #178/81

Application #: 28487

Applicant: Carolyn C Tipler

Proposal: To subdivide one (1) 4.1 ha parcel from the 62.34 ha subject property for the use of the applicant's father. The proposed parcel is outside of the ALR.

Decisions:

Resolution Number	Decision Date	Decision Description
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Note: The proposed parcel is situated outside of the ALR.

Application #: 27991

Applicant: Irene Graff

Proposal: To subdivide a 0.3 ha parcel from the 0.9 ha subject property.

Decisions:
**Resolution
Number**

Decision Date

Decision Description

Note: This application was originally refused. Upon reconsideration the application was permitted on the grounds that its location at the edge of the ALR and that its northern boundary is the Highway there would be minimal impact on agriculture.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	Subdivision of the subject property would likely reduce the agricultural potential of the parcel.
Board/Council	Refuse	Voted to forward the application with the recommendation to deny the application.
Advisory Planning Committee	Refuse	Recommend that the area be kept for agricultural purposes and recommend against subdivision.

STAFF COMMENTS

It is recommended that the Commission consider the following:

- The agricultural capability of the subject property is improvable to Class 3 and 5 with limitations of moisture deficiency, excess water and inundation.
- The applicants have owned the property since June 2007.
- It is the Commission' s experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures.
- Subdivision could heighten landowner expectations in the surrounding area that similar requests would be routinely permitted. The effects of heightened expectations are speculation, increased farmland prices, and reduced agricultural investment and activity.
- All local government recommendations did not support subdivision of this property.
- If the creek is indeed a barrier to farming the property as a whole, the applicant might look at a boundary adjustment with a neighbouring farm property. A logical choice would be the adjacent property to the east.

ATTACHMENTS

- 51631_AirphotoMap20k.pdf
- 51631_ContextMap20k.pdf
- 51631sketch.pdf
- 51631lg report.pdf

END OF REPORT

Signature

Date