



Agricultural Land Commission Staff Report

DATE: April 20, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51642
PROPOSAL: Subdivision for family member: To subdivide the 2.2 ha property into a 0.4 ha parcel with a 1.8 ha remainder.

PROPOSAL INFORMATION

Background: Proposed Lot A to be retained by owner; remaining Lot 1 to be given to the applicant's son.
Received Date: March 11, 2010
Applicant: Irina Fedorov, Anatoli Lyssak
Agent: Sonni Greene
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 013-137-620
Legal Description: Lot 1, District Lot 5027, Kootenay District, Plan 8367 Except Parcel A (See 210298I)
Civic Address: 12670 Hephher Road, Kootenay Bay
Area: 2.2 ha
ALR Area: 2.2 ha
Purchase Date: November 9, 2007
Owners: Anatoli Lyssak
Irina Fedorov

Total Land Area: 2.2 ha
Total ALR Area: 2.2 ha
Current Land Use: Residential (Mobile Home)

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
2.2	Prime	CLI

Number of Lots	Lot Size (ha)
1	0.4
1	1.8

Surrounding Land Uses:

North	Residential
East	Crown Land
South	Residential
West	Residential

Official Community Plan

Bylaw Name: Area A OCP Bylaw 1978, 2008
Designation: Country Residential (R2)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: No zoning bylaw exists in this area

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

RELEVANT APPLICATIONS

Application #: 43528

Applicant: Central Kootenay

Proposal: To exclude the subject property in order to develop a waste transfer station and possible future Fire Hall. The property has been purchased by the Regional District of Central Kootenay.

Decisions:

Resolution

Number

Decision Date

Decision Description

216

May 3, 2007

Allow as requested based on previous approval for non-farm use and subsequent discussions with the applicant.

Note: south of subject property

Application #: 42057
Applicant: Jackie Moore
Proposal: To exclude approximately 0.6 ha from the ALR.

**Decisions:
 Resolution**

Resolution Number	Decision Date	Decision Description
429	August 10, 2005	Approved having regard to limited agricultural capability and previous decision to entertain exclusion applications in Boswell following a site inspection and review of the ALR in this area in 2003 (File 34896)

Note: south of subject property

Committee Recommendations

Type	Recommendation	Description
Planning Staff	See Report	The Regional District of Central Kootenay has no objection to this proposed subdivision subject to compliance with Subdivision Bylaw 1321.
Board/Council	No Comment	Referred to Area Director. A Regional Board Resolution may follow in due course.
Agricultural Advisory Committee	No Comment	No objection to this application.

STAFF COMMENTS

- It is recommended that the Commission consider the following:
- The agricultural capability of the subject property is improvable to Class 1 and 3 with limitation of stoniness.
 - The applicants have owned the property since November 2007.
 - It is the Commission's experience that smaller parcels are correlated with less (not more) agricultural activity, as well as 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.
 - Subdivision into smaller lots could potentially reduce the agricultural options for the property and incur unnecessary impact on adjacent Crown lands to the east.

ATTACHMENTS

- 51642_ContextMap20k.pdf
- 51642_AirphotoMap25c.pdf
- 51642_AgCapabilityMap.pdf
- 51642sr.pdf
- 51642 lg report.pdf
- 51642 subdivision sketch.pdf

END OF REPORT

 Signature

 Date