



Agricultural Land Commission Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51696
PROPOSAL: Subdivision - Homesite for family member

PROPOSAL INFORMATION

Background: Subdivide approx 0.62 ha to provide residence for applicant's parents
Received Date: April 19, 2010
Applicant: David Olexin, Marlene McKinnon
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 010-916-091
Legal Description: Lot A District Lot 1904 Kootenay District Plan 13435
Civic Address: Highway 95
Area: 5.9 ha
ALR Area: 5.9 ha
Purchase Date: November 1, 2000
Owners: David Olexin
Marlene McKinnon

Total Land Area: 5.9 ha
Total ALR Area: 5.9 ha
Current Land Use: Remainder of 5.26 ha has a single family dwelling and outbuildings

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
5.9	Secondary	CLI

Number of Lots	Lot Size (ha)
1	0.7
1	5.9

Surrounding Land Uses:

North Steep forested hillside
 East Steep forested hillside
 South Brush field, seasonal grazing, no surface water
 West Highway 95 / CPR / Mobile home / Cottage

Official Community Plan

Bylaw Name: Steamboat-Jubilee Mountain OCP No. 1926, 2006
Designation: Rural Resource (RR)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Upper Columbia Valley Zoning Bylaw No. 900, 1992
Zoning Designation: Rural Residential (A-2)
Minimum Lot Size: 8.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS**Application #:** 26079**Applicant:** D Stewart**Proposal:** To subdivide the 20.7 ha subject property into seven parcels of varying size. It is noted that approximately 7.0 ha are within the ALR.**Decisions:**

Resolution Number	Decision Date	Decision Description
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Note: This application created the subject property.**RELEVANT APPLICATIONS****Application #:** 46043**Applicant:** Frank Keirle**Proposal:** To subdivide the 1.9 ha subject property into a 0.3 ha lot and a 1.6 ha lot**Decisions:**

Resolution Number	Decision Date	Decision Description
828	September 17, 2009	Allow subdivision as proposed.

Note: north of the subject property**Application #:** 36007**Applicant:** Margrith Loretz**Proposal:** To subdivide the 1.6 ha subject property into two lots of 0.8 ha each. The applicant would like to subdivide in order to better care for her property.**Decisions:**

Resolution Number	Decision Date	Decision Description
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298 June 25, 2003 Allow as requested subject to the existing trees along the back of the property be maintained to provide a buffer for the adjacent property.

Note: north of the subject property

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	That the application be supported as it is consistent with the OCP and zoning bylaw due to its compliance with section 946 of the Local Government Act.
Board/Council	Approve	Supports application.
Advisory Planning Committee	Approve	Supports application.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property is improvable to Class 4 and 6 with the limitations of stoniness and topography.
- The applicants have owned the property since November 1, 2000.
- A previous application (#6110/26079) created the subject property, while initially requesting seven parcels, six were allowed as the Commission wanted to maintain the ALR portion of the property as much as possible.
- It appears that the local government recommended support as the proposal is consistent with Section 946 of the Local Government Act.
- The applicant has written a letter outlining the rationale of their proposed subdivision and has provided photographs which are appended to this report.
- 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.
- Under the ALC Act, the applicants have the option of bringing a modular home onto their property for their parents use in order to satisfy their desire for their parents to live close to them without requiring subdivision of the property.

ATTACHMENTS

- 51696_AgCapabilityMap.pdf
- 51696 proposal.pdf
- 51696 lg report.pdf
- 51696_ContextMap20k.pdf
- 51696_AirphotoMap5k.pdf

END OF REPORT

Signature

Date
