



Agricultural Land Commission Staff Report

DATE: June 1, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51745
PROPOSAL: SUBDIVISION - to subdivide subject property into two parcels to allow for subsequent rezoning and sale of new parcels to the south for rural residential use.

PROPOSAL INFORMATION

Background: x
Received Date: May 17, 2010
Applicant: Judith Burns
Agent: thinkBright Environmental Innovations
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 015-879-321
Legal Description: Lot 85 District Lots 376 and 4336 Kootenay District Plan 1232 Except Plan 9750
Civic Address: 3995 Houlgrave Road in the Toby Benches area
Area: 6.7 ha
ALR Area: 6.7 ha
Purchase Date: August 5, 2003
Owner: Judith Burns

Total Land Area: 6.7 ha
Total ALR Area: 6.7 ha
Current Land Use: 1 Single family dwelling, two small temporary sheds under 20 sq. m each. Uses: Residential and grazing horses

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
6.7	Secondary	CLI

Number of Lots	Lot Size (ha)
1	2.0
1	5.7

Surrounding Land Uses:

North Private residential
East Crown land (no grazing or other agricultural uses). Property is exclusion fenced
South Private residential
West Private residential

Official Community Plan

Bylaw Name: no OCP, however, there is a Land Use Strategy
Designation: Toby Hill Road Corridor (2 ha)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Upper Columbia Valley Zoning Bylaw No. 900, 1992
Zoning Designation: Rural Residential and Resort Recreation
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 25677

Applicant: Roy & Stephanie Healy

Proposal: To subdivide a 1.1 ha parcel from the 7.5 ha subject property. (Refused)

Decisions:
Resolution
Number

Decision Date

Decision Description

Note: Refused on the grounds that the proposed subdivision would reduce the agricultural potential of the subject property and could easily encourage the similar parcelization of neighbouring lands.

Application #: 25676

Applicant: Stephanie Healy

Proposal: To place a mobile home on the subject property as a second dwelling for the applicants' daughter and son-in-law who are planning to develop the property for an agricultural operation. (Allowed)

Decisions:
Resolution
Number

Decision Date

Decision Description

Note: The application was allowed subject to the mobile home being places on temporary foundations and the removal of the home within 90 days of its being vacated by the approved user.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	That the application be supported as it conforms to the Land Use Strategy.
Board/Council	Approve	Supports the application.
Advisory Planning Committee	Approve	Support.

STAFF COMMENTS

Staff suggests the Commission consider the following:

-The Commission has endorsed the Toby Benches Land Use Strategy which allocates the property as part of the Toby Hill Road Corridor and allows for subdivision down to 2.0 ha. The proposed subdivision conforms to this minimum lot size.

ATTACHMENTS

51745_ContextMap20k.pdf
51745_AgCapabilityMap.pdf
51745_AirphotoMap10k.pdf
51745 lg report.pdf
51745 proposal.pdf

END OF REPORT

Signature

Date