



Staff Report
Application # Q – 37426
Applicant: Peter and Carol Penner

DATE RECEIVED: May 14, 2007

DATE PREPARED: June 21, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 27 ha subject property to create one (1) lot of approximately 15 ha and one remainder of 12 ha.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

PID: 004-128-273

Lot 16, District Lot 348 and 349, Similkameen Division of Yale District, Plan 29935

Purchase Date:

2004-07-01

Location of Property:

Ponderosa Drive, Christina Lake

Size of Property:

27.0 ha (The entire property is in the ALR).

Present use of the Property:

vacant, no buildings

Surrounding Land Uses:

WEST: Vacant
SOUTH: Residential
EAST: Vacant
NORTH: Railroad, beyond it residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/1
The property is identified as having Mixed Prime and Secondary ratings. Improvability ratings are: 50% Class 5, 30% Class 4, 20% Class 3 with limitations of stoniness and moisture deficiency.

Official Community Plan and Designation:

Regional District of Kootenay Boundary Electoral Area "C", OCP Bylaw No. 1250 (2004)
Designation: Rural

Zoning Bylaw and Designation:

Regional District of Kootenay Boundary Electoral Area "C", Bylaw No. 900 (1996)
Designation: Rural 1
Minimum Lot Size: 10ha

PREVIOUS APPLICATIONS:

Application #03270-0

Applicant: Sandner Bros
Decision Date: September 07, 1977
Proposal: Subdivide 950 acres into 45 parcels of various size
Decision: Refused. On reconsideration, allowed 40 lots in total of various sizes on the condition that the lands with good agricultural capability be consolidated.

RELEVANT APPLICATIONS:

Application #28648-0 (Adjacent to North)

Applicant: RAYMOND, J.
Decision Date: June 03, 1982
Proposal: To Subdivide 2.3 ha lot into two equal parcels
Decision: Allowed as requested.

Note: Three other parcels of similar size in the same area, between the Kettle River and the Railway, were approved by the Commission for similar subdivisions (#95-29839, #97-31178, #96-31013)

Application #27952-0 (To East)

Applicant: PONDEROSA ESTATES LTD
Decision Date: 1994-02-21
Proposal: To subdivide 40 ha parcel into rural residential parcels of 2 - 12 ha.
Decision: Refused based on high agricultural capability. On September 23, 1997, the Commission reconsidered the proposal to subdivide the subject parcel into 4 ten ha lots. Refused as requested.

Application #14694-0 (Adjacent to West)

Applicant: Curle Investments Ltd.
Decision Date: June 03, 1982
Proposal: Subdivide subject 15.5 ha lot into 6 lots ranging in size from 2.1 to 3.2 ha.
Decision: Refuse proposal.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Kootenay Boundary Regional District Board: The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Commission: Expressed no concerns with the proposal.

Planning and Development Committee: Recommend that the application be supported.

Local Government Staff: Recommend that the application be supported.

STAFF COMMENTS:

Staff recommend that the Commission consider:

The Commission previously approved the subdivision of four small parcels (2 to 3 ha each) on the north side of the railway adjacent to the subject property. However the larger parcels surrounding the subject property south of the railway have historically been refused for subdivision. A site visit may help to determine the impact of the proposal on the subject property and the surrounding lands.

ATTACHMENTS:

- ALC Map Scale 1:50,000
- ALC Air Photo
- ALC Map Scale 1:20,000
- Sketch of Proposed Subdivision

END OF REPORT



Signature



Date