



**Staff Report**  
**Application # Q – 37472**  
**Applicant: Sara's Tackle Ltd., Inc No. BC0312028**  
**Agent: Janice Engbers**

**DATE RECEIVED:** June 06, 2007

**DATE PREPARED:** August 16, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide the 30.7 ha subject property, to create three lots of 10 ha each  
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: 009-713-441

Sublot 163, Township 9A, Kootenay District, Plan X63, EXCEPT 1) Parcel A, Plan 53312I, 2) Plans 6603 and NEP65562

**Purchase Date:**

2007-01-01

**Location of Property:**

Highway 22, South of Rossland

**Size of Property:**

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

**Present use of the Property:**

Rural, sloping hillside with no buildings

**Surrounding Land Uses:**

**WEST:** Mountain, hillside  
**SOUTH:** Rural, treed hillside  
**EAST:** Highway 22  
**NORTH:** Highway 22

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/4  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

Regional District of Kootenay Boundary Electoral Area "B" OCP Bylaw No. 1020 (2001)  
Designation: Agricultural Resource

**Zoning Bylaw and Designation:**

Regional District of Kootenay Boundary Electoral Area "B" Zoning Bylaw No. 1175 (2001)  
Designation: Zoned Agricultural Resource 1 (AGR1)  
Minimum Lot Size: 10 ha

**PREVIOUS APPLICATIONS:**

**Application #10133-0**

**Applicant:** MacKenzie, C.  
**Decision** October 22, 1980  
**Date:**  
**Proposal:** To subdivide four parcels between 21 acre and 27 acres west of Highway #22.  
**Decision:** Refused as proposed, but would allow a 65 acre lot and a 24 acre lot west of Highway #22 subject to the portion of S.L. 154 lying to the east of Hwy. 22 being consolidated with remainder of S.L. 163.  
**Note:** This subdivision was registered in 1998. The 65 acre lot is the subject property.

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**Application #30792-0**

**Applicant:** Hahn, Johann  
**Decision** October 10, 1996  
**Date:**  
**Proposal:** To subdivide six 8 ha lots from the two properties (totaling 135 ha) for hobby farm purposes. 5 of the lots are west of Hwy #22.  
**Decision:** The Commission refused the application for six 8 ha lots because of concerns about reduced agricultural capability and impact. The applicant was apprised of a previous outstanding conditional approval on the property from application #10133.

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**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 application as the subject property is not prime farmland and would more suitable for hobby farms and residential uses.

**Local Government Staff:** That the application be forwarded with a recommendation of support.

**STAFF COMMENTS:**

- The previous subdivision applications (#10133-0, #30792-0) were proposed when the subject property was part of a larger unit (SL163). The subject parcel was created when the subdivision approved under #10133 was registered in 1998. Both previous proposals included subdivision of the area west of Hwy 22, which is now the subject property. Both previous applications refused subdivision of what is now the subject property.
- The majority of the property has an agricultural capability rating of improvable to Class 4, with limitations of stoniness and moisture deficiency. Smaller areas are identified as Class 6 (southeast corner) and improvable to Class 2 (southwest corner).

**ATTACHMENTS:**

- ALC Context Map 1:50,000
- ALC Aerial Photo
- Agricultural Capability Map
- Proposed Subdivision Plan
- KBRD Staff Report
- ALC Minutes of #30792 (previous decision)

**END OF REPORT**

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**Signature**

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**Date**