



Staff Report
Application # L – 37493
Applicant: Andreas Felber
Agent: FCS Land Services Ltd - Partnership

DATE RECEIVED: June 15, 2007

DATE PREPARED: October 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide the 10.0 ha subject property to create a 2.5 ha parcel for the applicants daughter, leaving a residential 7.5 ha remainder parcel.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 013-508-431
Lot 1, District Lot 284, Kootenay District, Plan 7825

Purchase Date:

2001-07-01

Location of Property:

662 Wardner-Ft Steele Road, Fort Steele Area

Size of Property:

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

Present use of the Property:

Rural residential, three horses used for recreation use, two sheds and one garage

Surrounding Land Uses:

WEST: Rural Resource, Mobile Home Residence
SOUTH: Wardner Fort Steele Highway
EAST: Rural Resource, residence, field and forest
NORTH: Rural Resource, mostly forested

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12
The majority of the property is identified as having Mixed Prime and Secondary ratings. The majority of the property is identified as Class 6T (subclass: topography).

Official Community Plan and Designation:

Fort Steele - Bull River and Area Land Use Bylaw No. 1804 (2005)
Designation: Rural Resource

Zoning Bylaw and Designation:

Zoning: N/A
Designation: N/A
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #11148-0

Applicant: Fox, Ken
Decision Date: October 07, 1980
Proposal: To subdivide a lot of approx. 10 ha where it will be severed by the relocation of the Wardner - Fort Steele Highway. The lot is for the applicant's son.
Decision: Refused. The highway relocation is uncertain and therefore subdivision premature.

Application #18087-0

Applicant: Fox, Ken
Decision Date: August 21, 1984
Proposal: Proposed to subdivide 10 ha from the 164.8 ha property for the applicant's son and daughter-in-law.
Decision: Allowed. *(Created the subject property)*

RELEVANT APPLICATIONS:

Application #31308-0

Applicant: Hisch, Peter & Sheri
Decision Date: July 29, 1997
Proposal: To utilize approximately 0.5 ha of Crown land to provide access to a privately owned lot which is to be used for agricultural purposes.
Decision: Allowed on the grounds that the road will facilitate the agricultural development of a private, presently inaccessible property.

Application #33786-0

Applicant: Fox, Tim
Decision Date: May 24, 2001
Proposal: To subdivide the subject property into two roughly equal parcels as divided by Wardner/Fort Steele Road. The applicants' father owned the property since 1939 and with his recent passing has bequeathed the property to his two sons. With subdivision each son would acquire a lot.

Decision: Refused as the proposed subdivision would reduce the agricultural potential of the property.

Application #33786-1

Applicant: Fox, Tim

Decision Date: June 25, 2003

Proposal: Reconsideration Request of original proposal.

Decision: Allow as requested subject to the consolidation or binding of titles of District Lot 39, Kootenay District and District Lot 761, Kootenay District.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board: The Regional Board forwarded the application with a recommendation of support, subject to a registration of a covenant prohibiting sale of the lot for 5 years.

Advisory Planning Commission: Recommended that the application not be approved, as the subdivision does not meet zoning requirements and has no natural boundary.

Agricultural Advisory Committee: Accepted as presented. Noted that the land is not good agricultural land, but there is agricultural use surrounding the area and that access is a concern.

Electoral Area Director: Does not support as the zoning is RR-60, the applicant does not reside on the property, hence Section 946 may not apply, and there is no artificial boundary like a highway right of way.

Local Government Staff: Supports, as it is consistent with the Bylaw policies for subdivision.

STAFF COMMENTS:

- The property is identified as having low agricultural capability. However, the subject property is surrounded by large parcels. Introducing a small residential lot may have negative impacts on agriculture in this area. A site visit may help to determine the agricultural capability and impact of the proposal.

ATTACHMENTS:

- ALC Context Map
- Sketch of Proposal
- Proposal
- Soil Capability Map
- Aerial Photo

END OF REPORT



Signature



Date