



Staff Report
Application # L – 37617
Applicant: Maurice and Carol Hafner

DATE RECEIVED: August 15, 2007

DATE PREPARED: October 16, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 2.01 ha subject property to create a new 0.97 ha lot and a 1.0 ha residential remainder

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: 014-351-013
Lot 6, District Lot 132, Block 21, Kootenay District, Plan 1181

Purchase Date:

July 2000

Location of Property:

772 Stirling Road, Baynes Lake

Size of Property:

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

Present use of the Property:

Residence, shed, well-house

Surrounding Land Uses:

WEST: Vacant Land
SOUTH: Vacant Land
EAST: Vacant Land
NORTH: Vacant Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/3
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP: N/A
Designation: N/A

Zoning Bylaw and Designation:

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

RELEVANT APPLICATIONS:

Application #37114-0

Applicant: Thiessen, Ed and Pat
Decision Date: March 22, 2007
Proposal: To subdivide the 2 ha subject property to create a 0.6 ha lot and a 1.4 ha remainder.
Decision: Refused.

Application #37283-0

Applicant: Palmer, Herbert and Georgina
Decision Date: May 16, 2007
Proposal: Non-farm use on the 35 ha subject property for an existing 30 site serviced campground located on a 2.3 ha portion of the property on the west side of the road. The campground was established 5 years ago on the subject site without the Commission's approval.
Decision: *Pending*

Application #35034-0

Applicant: Cutts, Brian & Maryann
Decision Date: June 10, 2004
Proposal: To subdivide the 2 ha property into 2 parcels of 1 ha each. Both parcels would have direct access off of Edwards Road.
Decision: Allow as requested.

Application #36089-0

Applicant: Angel, Trina
Decision Date: August 9, 2005
Proposal: To subdivide the 2.4 ha parcel into two parcels, one 0.8 ha and one 1.6 ha.
Decision: Approved having regard to the limited capability of the parcel in view of its small size and having regard also to previous subdivision approvals in this area for similar reason.

Application #36312-0

Applicant: Harris, Janet
Decision Date: March 21, 2006
Proposal: To subdivide the 2 ha property into two lots of 1 ha each. The applicant would like to sell one of the lots.
Decision: Allow as requested as the property has limited agricultural potential due to its small size.

Application #36426-0

Applicant: Charlesworth, John & Marlene
Decision Date: March 21, 2006
Proposal: To subdivide the 2 ha property into two lots of 1.2 ha and 0.8 ha. The applicant proposes to sell the 0.8 ha parcel for residential purposes.
Decision: Allow as requested.

Application #36928-0

Applicant: MacDougall, William
Decision Date: October 18, 2006
Proposal: To subdivide two 0.2 ha lots from the 1 ha subject property. This would return the property back to the original plan prior to consolidation.
Decision: Table decision pending receipt of report on public meetings as recommended by APC

Application #36928-1

Applicant: MacDougall, William
Decision Date: July 13, 2007
Proposal: To subdivide two (2) 0.2 ha lots from the 1 ha property
Decision: This decision was tabled pending more information. In January 2007, a report on the Baynes Lake survey was submitted. This information was considered and the application was approved.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board: The Regional Board forwarded the application with a recommendation of non support

Advisory Planning Commission Area B: Subdivision supported in theory provided it is not part of the previously designated non-sub dividable area of 5 acres or less. The application needs to be adjusted to the required 2.5 acres (1 ha). The main concern is the proposed panhandle access land, which could raise various future problems in a community with many 2 ha properties. The Commission strongly recommends an alternative access.

Agricultural Advisory Commission: The ACC accepted the application as presented on the grounds that similar applications have been approved and it fits into the plan.

Local Government Planning Staff: Staff recommended that the application not be approved. The property is in an area comprised mostly of 2 ha lots. Subdivision of this property may lead to further small lot development in an area that, according to the Baynes Lake survey results, should be retained at current parcel sizes.

STAFF COMMENTS:

Staff note that while in the past it has allowed some subdivision in this area a recent decision (on application L-37114), refused a similar request on a nearby property of the same size. There have been many subdivision applications in this area since the creation of the ALR. This staff report highlights only a portion of those that have been made within the last 3 years.

ATTACHMENTS:

- Description of proposal (submitted by the applicants)
- Sketch of proposed subdivision (submitted by the applicants)
- Local Government Staff Report
- Map showing the location of relevant decisions discussed in staff report
- ALC Context Map – 82G.024 – 1:20,000 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

Oct 16, 2007
Date