



Staff Report
Application # L – 37675
Applicant: August and Liane Hirn

DATE RECEIVED: September 14, 2007

DATE PREPARED: October 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 4.87 ha subject property to create one (1) 2 ha lot and a 2.8 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: 015-206-700
Lot 9, District Lot 11304, Kootenay District, Plan 2575

Purchase Date:

1995-06-29

Location of Property:

8220 Highway 95A, Meadowbrook

Size of Property:

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

Present use of the Property:

Residence, garage, storage and paddocks

BACKGROUND INFORMATION (cont.):

Surrounding Land Uses:

WEST: Residential
SOUTH: Crown Land
EAST: Residential
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12

The majority of the property is identified as having Mixed Prime and Secondary ratings of Class 4 (improvable to 3), 5, and 6 (unimprovable), with limitations of stoniness and topography.

Official Community Plan and Designation:

Kimberley Rural OCP Bylaw No. 1924 (2006)
Designation: LH, Large Holdings

Zoning Bylaw and Designation:

Kimberley Rural Zoning and Floodplain Management Bylaw No. 1925 (2006)
Designation: RR2, Rural Residential (Small Holding)
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

N/A

RELEVANT APPLICATIONS:

Application #36610-0

Applicant: Kimberley
Decision Date: October 17, 2006
Proposal: OCP review
Decision: The OCP was generally endorsed with two major concerns - the expansion of Kimberley to the south east and the inclusion of an area north of McClure Road in the Large Holdings Designation

Application #37340-0

Applicant: Caldwell, Harry & Lauriss
Decision Date: July 13, 2007
Proposal: Subdivide one 16.6 ha parcel into two 8 ha lots each.
Decision: Allowed on the grounds of low agricultural capability and minimal impact.

Application #37549-0

Applicant: Thomason, Heather
Decision Date: Currently under review
Proposal: To subdivide the 16 ha subject property to create two (2) 4 ha lots, one (1) 1.4 ha lot as divided by Thomason road and a 5.7 ha residential remainder for the owner.
Decision: N/A, Currently under review

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission: Supports the application

Electoral Area Director: Supports the application

Local Government Staff: Recommends the application be supported as proposal is consistent with OCP and existing zoning


STAFF COMMENTS:

- It is noted that significant subdivision has occurred in this area, some of which has been approved by the Commission. An early policy of the Commission (1977) permitted subdivision down to 2 ha to the north of Highway 95A but in its comments on the Kimberley Rural OSP in 1982 the Commission endorsed minimum parcel sizes of 8 ha and 16 ha north and south of the highway respectively. Previous decisions have been consistent with the Plan, however the Commission has recognized that each application must be considered on its own merit.
- A site visit may help to determine the impact of the subdivision on the long-term agricultural use of the property and surrounding area.

ATTACHMENTS:

- ALC Context Map
- Air Photo
- Proposal Sketch
- Note from applicant
- #36610 - Response to Kimberley OSP (2006)

END OF REPORT



Signature



Date