



Staff Report
Application # F – 38698
Applicant: Richard and Beatrice Carrington

DATE RECEIVED: December 03, 2008

DATE PREPARED: February 5, 2009

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Subdivision for a relative: To subdivide a 0.8 ha parcel from the 4.0 ha subject property. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 014-959-526
Lot 10, District Lot 302A, Kootenay District, Plan 2953

Purchase Date:

December 2001

Location of Property:

2360 Upper Glade Road, Castlegar

Size of Property:

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

Present use of the Property:

Residence, family garden, horse barn (no animals) and fallow/uncultivated hayfield.

Surrounding Land Uses:

WEST: Crown - MoT potential gravel source, treed and with road allowance for MoT
SOUTH: 2.9 ha property - residence and hayfield (fallow/uncultivated)
EAST: Crown forest
NORTH: 5.1 ha property, approximately 1.5 ha arable and in the ALR, no residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/05
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

RDCK Zoning Bylaw 1675
Designation Agriculture 4 (AG4)
Minimum lot size: 2 ha

PREVIOUS APPLICATIONS:

Application #08120-0

Applicant: RD-Electoral Area I
Decision Date: February 07, 1980
Proposal: Requested exclusion of 1569.2 ha.
Decision: Refused, previous fine tuning in 1978 left good agriculturally capable lands in the ALR. Exclusion refused by Cabinet (1,569.2 ha).

Application #11825-0

Applicant: LRC-Thrums
Decision Date: July 13, 1984
Proposal: Inclusion
Decision: Cabinet approved inclusion by OIC (27.8 ha). This resolution number is used to enter statistical information relating to the area approved for inclusion and subsequent decision by Cabinet.

The eastern portion of the subject property was included into the ALR at this time.

RELEVANT APPLICATIONS:

There are minimal recent applications in this area.

Application #15826-0

Applicant: Denisoff, Nick J.
Decision Date: December 17, 1982
Proposal: To subdivide the 3.2 ha property in half.
Decision: Allowed in lieu of future homesite severances on property.

Application #37088-0

Applicant: Gauthier, Gerald
Decision Date: May 3, 2007
Proposal: To subdivide four - five acre lots for purchase/gifting to relatives of applicants with approximately 7 acres remaining.
Decision: Allowed as it was believed there would be minimal impact on agriculture.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The applicants have owned the property since December 2001.
- The agricultural capability of the subject property is improvable to Class 3, 5 and 6 with limitations of topography, moisture deficiency and stoniness.
- It is the Commission's experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures.
- Subdivision would heighten landowner expectations in the surrounding area that similar requests would be routinely permitted. The effects of heightened expectations are speculation, increased farmland prices, and reduced agricultural investment and activity.
- A site visit will help to determine whether or not this proposal will have an impact on agriculture.

ATTACHMENTS:

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Local Government Map
5. Sketches of proposal (2 pages)
6. Local Government Staff Report

END OF REPORT

Signature

Date