



Staff Report
Application # F – 38738
Applicant: Rodney J. Irwin

DATE RECEIVED: December 23, 2008

DATE PREPARED: February 9, 2009

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Subdivision for a Relative: To subdivide the 3.0 ha parcel into two (2) 1.5 ha parcels for the applicants' sons. 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: 007-908-270

Lot 12, District Lot 6897, Kootenay District Plan 1572, Except Plans NEP19175 and NEP20402

Purchase Date:

April 2008

Location of Property:

Indian Pt. Rd., Passmore

Size of Property:

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

Present use of the Property:

The applicants write that it is a flat (level) natural forest and there is a clearing for a homesite on the western half of the property.

Surrounding Land Uses:

NORTH: single family home

WEST: single family home

SOUTH: single family home

EAST: single family home

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/12
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

n/a

Zoning Bylaw and Designation:

n/a

RELEVANT APPLICATIONS:

Application #28669-0

Applicant: Provincial Agricultural Land Commission
Decision Date: February 03, 1994
Proposal: ALR review of the Slocan Valley requested exclusion of almost 900 ha of ALR land.
Decision: Partial Approval. Commission allowed exclusion of 861.0 ha and refused 32.6 ha subject to inclusion of approximately 100 ha.

Some properties north of the subject property were excluded in this review

Application #25734-0

Applicant: Curry, Walter & Vera
Decision Date: October 23, 1991
Proposal: Subdivide along road for 2 ha and 13.5 ha
Decision: Allowed following onsite by Commission staff

Application #34610-0

Applicant: Beck, Aaron
Decision Date: April 23, 2003
Proposal: To subdivide the 10.5 ha subject property into one 0.78 ha lot and a 9.72 ha remainder
Decision: Allowed as proposed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Planning Staff: Have no objection to the proposed subdivision since there is not regulatory land use bylaw or OCP for Area H.

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The applicants have owned the property since April 2008.
- The agricultural capability of the subject property is improvable to Class 3 with the limitation of 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.
- From the information provided, it appears that the current property size is consistent with other properties in the area.
- 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