



Staff Report
Application # L – 38763
Applicant: Genesis Land Development Corp.
Agent: Focus Corporation

DATE RECEIVED: January 19, 2009

DATE PREPARED: February 11, 2009

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To dedicate a new road which will affect 0.9 ha of ALR land in order to access an area previously permitted exclusion in 2004. This application is made pursuant to Part 4 Section 6 of BC Regulation 171/2002 (*Agricultural Land Reserve Use, Subdivision and Procedure Regulation*).

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 008-078-157
District Lot 9008, Kootenay District, Except Part included in Plan 7637
2. PID: 012-510-335
Parcel 1 (see 123131), District Lot of 10717, Kootenay District

Location of Property:

Hwy 95, south of Brisco and Golden, adjacent to Spur Valley Green Golf Course.

Area Affected by Proposal:

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

Present use of the Property:

Forested land

Surrounding Land Uses:

Spur Valley Green Golf Course and existing Spur Valley residential community

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/16
The majority of the property is identified as having Prime Dominant ratings.

PREVIOUS APPLICATIONS:

Application #35461-0

Applicant: 514096 BC Ltd

Decision Date: October 29, 2004

Proposal: To utilize portions of two parcels of ALR land in the Luxor Creek - Spur Valley area for the purpose of future housing and recreational developments. The concept plan calls for residential development (bare land strata) of marginal lands that, due to topographical or soil conditions, do not have good agricultural potential. The intention is to exclude these lands from the ALR. The remaining parts of the properties would stay in the ALR including the area proposed for a golf course expansion. It is proposed that approximately 92 ha be excluded for residential development and approximately 58 ha would be part of the golf course.

Decision: Allowed partial exclusion for residential development on District Lot 10717. In addition, allow the proposed use to expand the existing golf course onto District Lot 10717. The Commission does not support the exclusion of land within the ALR on District Lot 7574 on the grounds that this land has greater agricultural potential.

RELEVANT APPLICATIONS:

Application #03522-0

Applicant: Zabo, A

Decision Date: June 22, 1977

Proposal: To exclude the property from the ALR on the grounds that the land was not suitable for agriculture and was required for development in conjunction with the adjacent recreational development.

Decision: That the area lying to the east of the Highway and to the base of the slope near the south property boundary (consisting of proposed Phase 1 and Phase 2) be excluded.

Application #09190-0

Applicant: Kirk Ltd

Decision Date: June 4, 1981

Proposal: To exclude the subject property in order to extend the Spur Ranch Development to the east.

Decision: Refused on the grounds that the land has potential to be utilized for agriculture as per the review of an Agriculture representative and Soils Specialist with the Ministry of Agriculture.

Application #37119-0

Applicant: Seel Forest Products

Decision Date: May 16, 2007

Proposal: Subdivision for a relative. To subdivide the 162 ha subject property to create an 8.5 ha property for applicant's daughter. The 8.5 ha property created would encompass existing home and outbuildings on the property.

Decision: Refused.

Application #38637-0

Applicant: Reid, Larry and Arleen

Decision Date: None

Proposal: To remove the covenant which binds Lot A and Lot B together in order to separate the cabin operation from the ranch.

Decision: Concurrent application

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

None

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The agricultural capability of the subject property is improvable to Class 3 with limitations of low fertility and salts.
- The Commission approved the exclusion of 23.0 ha of District Lot 10717 from the ALR by resolution #498/2004 (Application #35461) which is the development this proposed road will provide access for.
- The agent writes that the location of the proposed road was determined in collaboration with the Ministry of Transportation and Infrastructure and the Regional District of the East Kootenay.

ATTACHMENTS:

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketches of proposal (2 pages)
5. Supporting information submitted by the agent

END OF REPORT

Signature

Date