



**Staff Report**  
**Application # F – 38780**  
**Applicant: Bruce & Annalisa Coyle**

**DATE RECEIVED:** January 23, 2009

**DATE PREPARED:** February 10, 2009

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Jennifer Carson Land Use Planner

**PROPOSAL:** To subdivide the 3.1 ha property into a 0.6 ha parcel and a 2.5 ha parcel. 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: 026-073-030  
Lot 1, District Lot 6304, Kootenay District, Plan NEP76576

**Purchase Date:**

April 1996

**Location of Property:**

4139 Kays Road, Blewett

**Size of Property:**

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

**Present use of the Property:**

house, studio, wood shed, pump house, storage shed (for hay)

**Surrounding Land Uses:**

**WEST:** residential property with a currently unused pasture  
**SOUTH:** forested land with dry scrub  
**EAST:** residential  
**NORTH:** residential, fenced area for 2 horses

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/06  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

none

**Zoning Bylaw and Designation:**

none

**PREVIOUS APPLICATIONS:**

**Application #33780-0**

**Applicant:** Coyle, Bruce & Annalisa  
**Decision Date:** July 31, 2001  
**Proposal:** To subdivide the subject property into a total of four (4) lots. The proposed lot sizes would be 1.74 ha, 1.67 ha, 2.98 ha and 1.51 ha as shown on the attached map. Three of the lots would be sold and the fourth would be retained as a homesite.  
**Decision:** Refused as proposed on the grounds that subdivision would significantly reduce the agricultural potential of the property and would create undue parcelization within the Agricultural Land Reserve.

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**Application #33780-1**

**Applicant:** Coyle, Bruce & Annalisa  
**Decision Date:** November 16, 2001  
**Proposal:** Proposed reconsideration of original application to subdivide the 7.9 ha property into 4 lots of 1.74 ha, 1.67 ha, 2.98 ha and 1.51 ha.  
**Decision:** Allowed subdivision as this is consistent with past decisions in the area.

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This application created the subject property

**RELEVANT APPLICATIONS:**

**Application #30285-0**

**Applicant:** King, Joanna  
**Decision Date:** January 30, 1996  
**Proposal:** Subdivide 3 lots of 0.43 ha each from parcel. One lot will be north of Kay's road and two lots south. Remainder will be north of road.  
**Decision:** Allowed.

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**Application #36135-0**

**Applicant:** Oosthuizen, David  
**Decision Date:** October 12, 2005  
**Proposal:** To subdivide a 0.6-0.8 ha lot from the 4.5 ha parcel  
**Decision:** Allowed as requested.

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**Application #38518-0**

**Applicant:** Towill, Elaine  
**Decision Date:** none  
**Proposal:** To subdivide the 4.5 ha property to create an approximately 2.0 ha parcel and a 2.5 ha parcel.  
**Decision:** Concurrent application

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

none

**STAFF COMMENTS:**

It is recommended that the Commissioners consider the following:

- The applicants have owned the property since April 1996.
- The agricultural capability of the subject property is improvable to Class 5 and 6 with limitations of topography, moisture deficiency and bedrock near the surface.
- It is the Commission's experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures. Furthermore, subdivision could 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.
- While the Commission has endorsed this area for exclusion in the past, it is possible that upon review of the area the Commissioners may come to a different conclusion.
- 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. Sketch of proposal
6. Local Government Staff Report

**END OF REPORT**

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**Signature**

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**Date**