



Agricultural Land Commission Staff Report

DATE: August 13, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 45776

PROPOSAL: The original application was to subdivide a 2.6 ha lot from the 77.2 ha property for a retirement homesite. The rancher has lived on the property since 1952 but did not acquire the title until 1982 when his father died. The applicant's health is declining and he cannot manage the ranch anymore but does not want to leave his lifelong home.

Following concerns expressed by the Regional District and the APC the applicant revised his subdivision proposal. He has reduced the subdivision to 2 ha, retaining an active field area with the farm remnant.

PROPOSAL INFORMATION

Background: The parcel is located on Christian Valley Rd. about 5 km north of Westbridge.
Received Date: No previous applications
February 13, 2009
Applicant:
Agent: James Anderson
Local Government: N/A
Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 011-777-737
Legal Description: Block A of Sublot 25, District Lot 2704, Similkameen Division of Yale District, Plan 1186, EXCEPT Plan 13185
Civic Address: Christian Valley Rd. Westbridge
Area: 77.2 ha
ALR Area: 77.2 ha
Purchase Date: August 2, 1982
Owner: James Anderson

Total Land Area: 77.2 ha
Total ALR Area: 77.2 ha
Current Land Use: Cattle ranch, residence, outbuildings hayfields pasture.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
------	-------------------------	--------------------------------

77.2	Secondary	CLI
------	-----------	-----

Number of Lots Lot Size (ha)

1	2.6
1	74.6

Surrounding Land Uses:

Official Community Plan

Bylaw Name: No OCP exists in this area

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: No zoning bylaw exists in the area

Zoning Designation:

Minimum Lot Size: ha

Zoning Compliance:

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	The Regional District of Kootenay Boundary Board forwarded the application with a recommendation of support, subject to a revising the subdivision boundary to permit an easement to the well and retain the cultivated field intact.
Advisory Planning Committee	Approve	Allow subject to reducing the size of the proposed homesite lot, and establishing an easement to the domestic well.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The applicant does not, strictly speaking, qualify for consideration under Homesite Severance Policy, Although he has lived continuously on the property since 1952, he did not achieve ownership until 1982. The applicant's parents did not apply for homesite severance. The applicant's rationale for subdivision is that his health is in decline and he can no longer manage the ranch. However, he does not want to leave the home he has lived in all his life.
- 2) The Commission has discretion to determine whether the applicant fulfills the spirit of the policy, and whether the impacts of subdivision are significant on the farm operation and the surrounding farm community.
- 3) The loss of the farm home from the ranch means that the home and yard and some outbuildings will likely be constructed on the remainder, potentially to its agricultural detriment. It is possible that a smaller homesite of approximately 1 ha (the smallest permitted by health authorities) might fulfill the intent of the policy while retaining more land and buildings with the farm operation.

4) The area is characterized by larger parcels and farm operations. The improvable CLI rating for the property is Class 4 with limitations of seasonal moisture deficit and wetness.

ATTACHMENTS

- 38827 - Contextmap20k.pdf
- 38827(45776) sketch airphoto.pdf

END OF REPORT

Signature

Date