



Agricultural Land Commission Staff Report

DATE: August 11, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 45890
PROPOSAL: To exclude 11 ha of a 121 ha parcel from the ALR for residential development.

PROPOSAL INFORMATION

Background: The property is located west of Midway - Rattlesnake Flats in Electoral Area E.
Received Date: April 3, 2009
Applicant: Yves Joseph Ogierman
Agent: N/A
Local Government: Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 003-409-040
Legal Description: District Lot 163S, Similkameen Division of Yale District, EXCEPT Plans 12138 and KAP44472
Civic Address:

Area: 121 ha
ALR Area: 80 ha
Purchase Date: August 1, 1978
Owners: Christian Alain Ogierman
Yves Joseph Ogierman

Total Land Area: 121 ha
Total ALR Area: 80 ha
Current Land Use: Residence, outbuildings greenhouses. The property is left primarily in its natural state to preserve its forest and promote grassland restoration.

PROPOSAL DETAILS

Exclusion

| Area | Agricultural Capability | Agricultural Capability Source |
|------|-------------------------|--------------------------------|
| 11.0 | Secondary | CLI |
| 0.0 | | |

Surrounding Land Uses:

| | |
|-------|-------------------------------------|
| North | Non ALR sparsely forested hillsides |
| East | ALR sparsely forested hillsides |
| South | Large ALR parcels in hay production |
| West | Non ALR sparsely forested hillsides |

Official Community Plan

Bylaw Name: No OCP exists for this area

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: No zoning bylaw exists for this 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. |
| Advisory Planning Committee | Approve | The Electoral Area E - APC supported the application subject to the provision of adequate water. |

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 11 ha area proposed for exclusion has little or no agricultural capability except for seasonal grazing. The CLI ratings are 8:6T 2:7TR
- 2) The exclusion area is separated from the parcel remainder by Nicholson Creek Rd. No other farms operate nearby.
- 3) The impacts of exclusion and rural residential subdivision would be limited because the land already has road access. Several lots would not substantively affect the land base or nearby farm operations.
- 4) If the Commission supports exclusion (or subdivision), consideration might be given to requiring fencing the excluded area with a page wire fence to help reduce the potential for trespass - particularly by dogs.

ATTACHMENTS

45890 sketch map.pdf

38929_AirphotoMap.pdf

38929_ContextMap20k.pdf

END OF REPORT

Signature

Date