



## Agricultural Land Commission Staff Report

**DATE:** July 16, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 45902  
**PROPOSAL:** To subdivide the 2 ha subject property into two 1 ha lots.

### PROPOSAL INFORMATION

**Background:** The Commission has allowed similar recent applications in the area.  
**Received Date:** April 8, 2009  
**Applicant:** Don and Gloria Dehart  
**Agent:** Monroe Hunsicker  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 009-803-386  
**Legal Description:** Lot 1, District Lot 288, Kootenay District, Plan 14781  
**Civic Address:** 8833 Dehart Rd. between Invermere and Radium Hot Springs  
**Area:** 2 ha  
**ALR Area:** 2 ha  
**Purchase Date:** February 1, 1988  
**Owner:** Don and Gloria Dehart

**Total Land Area:** 2 ha  
**Total ALR Area:** 2 ha  
**Current Land Use:** Rural residence.

### PROPOSAL DETAILS

#### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
2.0	Secondary	CLI

Number of Lots	Lot Size (ha)
2	1.0

**Surrounding Land Uses:**

North DL 288, patchy forested and grassland - in the ALR  
East DL 288 - patchy forested land and grassland - in the ALR  
South 2 ha rural residential lot in the ALR  
West Columbia Wetlands Wildlife Management area - outside the ALR

**Official Community Plan**

**Bylaw Name:** No OCP exists

**Designation:** N/A

**OCP Compliance:**

**Zoning**

**Zoning Bylaw Name:** Upper Columbia Zoning Bylaw 900

**Zoning Designation:** SH-3 Small Holdings Rural Zone

**Minimum Lot Size:** 2.0 ha

**Zoning Compliance:** No

**PREVIOUS APPLICATIONS**

**Application #:** 15265

**Applicant:** Becker Properties Ltd

**Proposal:** Proposed to s/d that part of the 82.6 ha property which was zoned Small Holdings (2ha mls). The remainder to remain as one 70 ha parcel.

**Decisions:**

**Resolution**

**Number**

**Decision Date**

**Decision Description**

1803

September 15, 1982

Allowed. No agricultural operations in the vicinity and the Commission was of the opinion that the area proposed for s/d had little agricultural potential.

**Note:** Created subject property

**RELEVANT APPLICATIONS**

**Application #:** 44890

**Applicant:** David and June Lymburner

**Proposal:** To subdivide the 2.1 ha subject property to create two (2) lots of approximately 1.0 ha and 1.1 ha.

**Decisions:**

**Resolution**

**Number**

**Decision Date**

**Decision Description**

240

May 6, 2008

Refused due to minimum lot size in area, good agricultural capability, has water and is a flat property.

**Note:** Upon reconsideration, the application for a two lot subdivision was approved.

**Application #:** 16013

**Applicant:** 583273 Alberta Ltd

**Proposal:** To subdivide the subject property into approximately two equal parcels. The

applicants would continue to live on one parcel and offer the other parcel to their mother. This will enable the applicants to be supportive to their mother and two boys in the

**Decisions:**

**Resolution**

**Number**

**Decision Date**

**Decision Description**

584

October 26, 2000

Allow as requested.

**Committee Recommendations**

**Type**

**Recommendation**

**Description**

Board/Council

Approve

The Regional District of East Kootenay Board supported the two lot subdivision.

**STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The property is relatively small and comprised of poor soils suggesting that the land has limited capability and suitability for agriculture.
- 2) The Commission allowed similar subdivision of nearby 2 ha lots in recent years (see relevant applications) due to limited agricultural capability and suitability.
- 3) The airphoto does not indicate that any cultivated farmland lies nearby. Therefore the impact of this subdivision on agriculture would be negligible.

**ATTACHMENTS**

38939sketch.pdf

38939\_AirphotoMap.pdf

38939\_ContextMap20k.pdf

**END OF REPORT**

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**Signature**

\_\_\_\_\_  
**Date**