



Agricultural Land Commission Staff Report

DATE: July 14, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 45903
PROPOSAL: To subdivide the 1 ha subject property into two 0.5 ha lots.

PROPOSAL INFORMATION

Background: The property lies in a subdivision of similar lot sizes on the edge of the ALR.
Received Date: Adjoining lands do not lie within the ALR.
Applicant: April 8, 2009
Agent: Philip and Judith Graham
Local Government: N/A
Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 010-482-814
Legal Description: Lot 2, District Lot 8, Kootenay District, Plan 13879
Civic Address: Lake Road, Windermere
Area: 1 ha
ALR Area: 1 ha
Purchase Date: June 1, 1993
Owner: Philip and Judith Graham

Total Land Area: 1 ha
Total ALR Area: 1 ha
Current Land Use: Vacant land - forested

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
1.0	Secondary	CLI

Number of Lots	Lot Size (ha)
2	0.5

Surrounding Land Uses:

North 1 ha rural residential lot in the ALR
East 1 ha rural residential lot in the ALR
South Rural residential lots in the ALR
West Non ALR rural residential

Official Community Plan

Bylaw Name: Lake Windermere OCP
Designation: SH min. lot size: .2 ha to 2 ha .
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Upper Columbia Valley zoning bylaw #900
Zoning Designation: SH-2 Small Holdings
Minimum Lot Size: 1.0 ha
Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 8959
Applicant: Stewart Kleinsteuber
Proposal: Exclusion of 15 acres. Propose to s/d into 3 lots of 5 acres each.

Decisions:

Resolution Number	Decision Date	Decision Description
11471	June 5, 1979	Refused. Surrounded by agricultural lands and land has capability to support agriculture.

Note: Upon reconsideration, the Commission allowed subdivision in the ALR, creating the subject property.

RELEVANT APPLICATIONS

Application #: 12815
Applicant: Provincial Agricultural Land Commission
Proposal: Block Application - To exclude approximately 190 ha from the ALR in the Windermere area due to excessive parcelization.

Decisions:

Resolution Number	Decision Date	Decision Description
625	September 28, 1999	The Commission refused to exclude the 190 ha originally proposed, and retained about 60 ha in the ALR on the grounds the lands have reasonably good agricultural capability. A total of 132 ha was excluded from the ALR because of poor agricultural capability.

Note: Block application initiated by the ALC.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	Staff supports because the subdivision proposal is consistent with the policies of the Lake Windermere OCP.
Board/Council	Approve	Allow subdivision as proposed
Advisory Planning Committee	Refuse	The APC for Electoral Areas F & G does not support the proposal because it is not consistent with the rural characteristics of the area.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 1 ha parcel has very limited agricultural capability due to its small size and poor soils.
- 2) The Commission allowed the exclusion of similar sized lots in 1998.
- 3) The subject and nearby properties lie on the edge of the ALR and are bordered to the east by I.R. #3 (Columbia Lake). Indian Reserves are not subject to the ALC Act. This effectively isolates the subject property and the ~ 8 ha block it occupies.

ATTACHMENTS

38940sketch.pdf
38940_ContextMap20k.pdf

END OF REPORT

Signature

Date