Agricultural Land Commission
Staff Report

DATE: August 10, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 45969
PROPOSAL: To subdivide the 8 ha lot into two 4 ha lots.

PROPOSAL INFORMATION

Background: No previous applications have been considered on the property.
Received Date: May 4, 2009
Applicant: Malcolm Muir
Agent: Simon L Overes
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 015-686-906
Legal Description: Lot 4, District Lot 281, Kootenay District, Plan 1652
Civic Address:
Area: 8 ha
ALR Area: 8 ha
Purchase Date: September 1, 2001
Owner: Malcolm Muir

Total Land Area: 8 ha
Total ALR Area: 8 ha
Current Land Use: Rural residence, mostly forested.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
8.0		

Number of Lots	Lot Size (ha)
2	4.0

8.0	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
2	4.0

Surrounding Land Uses:

North	Large, partially cleared ALR property.
East	8 ha ALR parcel, primarily forested and used for residential purposes
South	Hobby farm - 8 ha in the ALR
West	8 ha ALR parcel, rough, uncleared land.

Official Community Plan

Bylaw Name: Creston Valley OCP
Designation: Agriculture 2
OCP Compliance: No

Zoning

Zoning Bylaw Name: Bylaw 1675
Zoning Designation: Agriculture 2
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

RELEVANT APPLICATIONS

Application #: 6054
Applicant: Treetime Consulting Corporation
Proposal: To subdivide an 8 ha lot containing the applicant's home from the 97 ha property.
Decisions:

Resolution Number	Decision Date	Decision Description
856	October 10, 1996	The Commission allowed the subdivision of an 8 ha lot because of relatively poor agricultural capability and location on th edge of the ALR.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

1) The subject property is comprised primarily of lands with very poor agricultural capability - CLI rating 6T. The best capability land (CLI rating 3T) located in the southeast corner of the property is partiallydeveloped as a house and yard site .

2) Increasing the number of rural residential lots represents an intrusion of residential uses into this rural area.

3) The parcel is currently co-owned by two applicants. Subdivision would provide each owner with his own fee simple parcel.

4) The Commission, in 1996 allowed the subdivision of an 8 ha lot from the 97 ha nearby property because the land had low agricultural capability. The soil unit affecting the subject property is the same that soil unit that affected the nearby property.

ATTACHMENTS

45969 sketch plan.pdf
38996_AirphotoMap.pdf
38996_ContextMap20k.pdf

END OF REPORT

Signature **Date**