



Agricultural Land Commission Staff Report

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

RE: Application # 45979
PROPOSAL: To subdivide a 2.8 ha lot from the 19 ha property containing the applicant's home. The applicant intends to sell the 2.8 ha lot and retain the remnant.

PROPOSAL INFORMATION

Background: Previous applications have been considered on the subject property and on adjoining properties. See below for details.
Received Date: May 7, 2009
Applicant: Ida J Aitzetmueller
Agent: Mike and Christa Knight
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 008-328-382
Legal Description: Lot 2, District Lot 11763, Kootenay District, Plan 16399
Civic Address:
Area: 19 ha
ALR Area: 19 ha
Purchase Date: April 1, 1990
Owner: Ida J Aitzetmueller

Total Land Area: 19 ha
Total ALR Area: 19 ha
Current Land Use: Forested property containing a residence. The property is bounded to the north by Betts Road.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
19.0	Secondary	CLI

Number of Lots	Lot Size (ha)
1	2.8
1	16.2

Surrounding Land Uses:

North	Forested hillside in the ALR comprising a 2.7 ha, 5.2 ha and 13.8 ha parcels
East	Forested hillside in the ALR - 21 ha parcel
South	Forested hillside in the ALR - 260 ha crown parcel
West	Edith Lake - 22 ha parcel

Official Community Plan

Bylaw Name:	No OCP exists in this area
Designation:	N/A
OCP Compliance:	Yes

Zoning

Zoning Bylaw Name:	No Zoning Bylaw exists in this area
Zoning Designation:	N/A
Minimum Lot Size:	1.0 ha
Zoning Compliance:	Yes

RELEVANT APPLICATIONS**Application #:** 43854**Applicant:** Dan and Heather Gagne**Proposal:** To subdivide two lots (2.5 ha and 5 ha) from the 21.8 ha subject property leaving a remainder approximately 14.3 ha in size.**Decisions:****Resolution**

Number	Decision Date	Decision Description
229	May 16, 2007	Allow

Note: Allow the subdivision of a 2.5 ha and a 5 ha lot as proposed (Res. # 229/2007)**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Approve	Allow as proposed
Board/Council	Approve	Allow two lot subdivision as proposed.
Advisory Planning Committee	Approve	Allow subdivision of 2.8 ha lot

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The land has very limited capability for agriculture
CLI capability of class 5 and 6 with limitations of
topography and stoniness.
- 2) No agricultural development has ever occurred on
the property.
- 3) The property to the north was permitted similar
subdivision in 2007 (see relevant applications)

ATTACHMENTS

390003sketch.pdf
39003_AirphotoMap.pdf
39003_ContextMap20k.pdf

END OF REPORT

Signature

Date