



## Agricultural Land Commission Staff Report

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

**RE:** Application # 45996

**PROPOSAL:** To subdivide the 118.5 ha property into two lots as divided by Christian Valley Rd. The parcel on the east side of the Road would be 77 ha, and on the west side of the road 41.5 ha.

### PROPOSAL INFORMATION

**Background:** One previous application on the subject property.  
**Received Date:** May 14, 2009  
**Applicant:** David & Beverley Hesketh  
**Agent:** N/A  
**Local Government:** Regional District of Kootenay-Boundary

### DESCRIPTION OF LAND

**PID:** 015-012-387  
**Legal Description:** District Lot 1322, Similkameen Division of Yale District, EXCEPT Those Parts Thereof Included in Plan 12058, 12059, 12060, Trail Assessment Area  
**Civic Address:**  
**Area:** 118.5 ha  
**ALR Area:** 80 ha  
**Purchase Date:** March 15, 1983  
**Owner:** David & Beverley Hesketh

**Total Land Area:** 118.5 ha  
**Total ALR Area:** 80 ha  
**Current Land Use:** Large farm, primarily in hay production, with residence and outbuildings.

### PROPOSAL DETAILS

**Subdivision**

Area	Agricultural Capability	Agricultural Capability Source
80.0	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
1	3.0
1	77.0

**Surrounding Land Uses:**

North	Mix of forested non ALR land and cultivated ALR
East	Forested ALR
South	Kettle River, non ALR forested land
West	Non ALR forested land

**Official Community Plan****Bylaw Name:** No OCP exists in this area**Designation:****OCP Compliance:****Zoning****Zoning Bylaw Name:** No zoning bylaw exists in this area**Zoning Designation:****Minimum Lot Size:** ha**Zoning Compliance:****PREVIOUS APPLICATIONS****Application #:** 28317**Applicant:** RJ Perra**Proposal:** To consolidate and re-subdivide four adjoining lots to create six lots: five of 16 ha which are not arable, and a single 162 ha arable parcel.**Decisions:****Resolution**

Number	Decision Date	Decision Description
580	August 30, 1978	Allow subject to fencing 16 ha lots.

**Note:** The application was reconsidered twice, the first time to alter consolidation by survey to consolidation by binding titles; the second time to relax the fencing condition. Both reconsiderations were allowed due to excessive expense. However the application was never concluded.**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 recommended that the application be approved.

## **STAFF COMMENTS**

Staff recommends that the application be allowed because the ALR area which is affected is minimal (i.e. two small separate areas which are not cultivated).

The subdivision of the property by the Christian Valley Road separates the non ALR, uncultivated hillside from the cultivated farm property.

## **ATTACHMENTS**

39016\_AirphotoMap.pdf  
39016\_ContextMap20k.pdf

## **END OF REPORT**

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**Signature**

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