



Agricultural Land Commission Staff Report

DATE: August 6, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 46045
PROPOSAL: To subdivide a 6 ha lot from the 33 ha property for a residence for the applicant's daughter.

PROPOSAL INFORMATION

Background: One previous application has been considered on the subject property.
Received Date: June 4, 2009
Applicant: Leslie & Catherine Fiedler
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 016-413-741
Legal Description: District Lot 490, Kootenay District, EXCEPT (1) Parts included in Plan DD 133709 and 19993-A1 and (2) Part included in Plan 13129
Civic Address:
Area: 33 ha
ALR Area: 33 ha
Purchase Date: July 1, 1983
Owner: Leslie & Catherine Fiedler

Total Land Area: 33 ha
Total ALR Area: 33 ha
Current Land Use: Tree farm, residence

PROPOSAL DETAILS

Subdivision

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

Number of Lots Lot Size (ha)

1	6.0
1	27.0

Surrounding Land Uses:

North	Crown forested land in the ALR
East	8 ha rural residential lot
South	Kootenay River
West	Crown forested land in the ALR

Official Community Plan

Bylaw Name:	Fort Steele - Bull River Land Use Bylaw
Designation:	RR-60
OCP Compliance:	Yes

Zoning

Zoning Bylaw Name:	As noted above - it is a rural land use bylaw
Zoning Designation:	RR-60
Minimum Lot Size:	60.0 ha
Zoning Compliance:	Yes

PREVIOUS APPLICATIONS

Application #: 26140

Applicant: G Zorn

Proposal: To subdivide an 8 ha lot from the 42 ha property. The landowners agreed to pay their homebuilder with land rather than money. The homebuilder has paid money to the landowner to make up the difference between his wages and the price of land. The homebuilder has also begun to construct his own home on the proposed 8 ha parcel.

Decisions:

Resolution

Number

Decision Date

Decision Description

561

June 4, 1979

The Commission refused the application twice, but upon its second reconsideration allowed the subdivision of an 8 ha lot.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	Planning staff support the subdivision because it is consistent with Land Use Bylaw policies.
Board/Council	Approve	The Regional District of East Kootenay Board forwarded the application with a recommendation of support.
Agricultural Advisory Committee	Approve	The Agricultural Advisory Commission had no agricultural concerns.
Advisory Planning Committee	Approve	The APC for Electoral Area C recommended support.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The 6 ha area proposed for subdivision appears to have little agricultural capability, the CLI ratings being Class 5 with limitations of topography and moisture deficit. Photographs submitted with the application confirm the limited agricultural capability of the land.
- 2) The proposed 6 ha lot would be bordered on its north and west sides by forested crown land - which may be used for grazing purposes. The best land (CLI class 3W) on the property lies between the railway and the river and is not affected by the proposal.
- 3) The Commission reluctantly allowed the subdivision of an 8 ha lot from subject property in 1979 because the landowner agreed to partially pay for his new home with land. Additional money had also been paid for the proposed new lot and a new home partially constructed (in anticipation of subdivision) before the application for subdivision was submitted.
- 4) Subdivision could raise expectations that further subdivision would be allowed. In general, on properties which have limitations for agriculture, retaining them as large as possible increases the likelihood they will be used for agriculture.

ATTACHMENTS

39054_ContextMap20k.pdf
39054_AirphotoMap.pdf
39054Applic.pdf

END OF REPORT

Signature

Date