



Agricultural Land Commission Staff Report

DATE: October 1, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50222
PROPOSAL: To subdivide two 4 ha lots from the portion of the 44.5 ha property lying to the north of Kettle Valley South Road.

PROPOSAL INFORMATION

Background: Several similar applications have been considered on the property. See below
Received Date: for details.
Applicant: July 7, 2009
Agent: August, Gerhard, Richard & Pat Uglik
Local Government: N/A
Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 010-245-138
Legal Description: Lot A District Lot 215 Similkameen Division Yale District Plan 5750 Except Plans 3483, KAP44460 and DAP44472
Civic Address:
Area: 44.5 ha
ALR Area: 44.5 ha
Purchase Date: November 23, 2007
Owner: August, Gerhard, Richard & Pat Uglik

Total Land Area: 44.5 ha
Total ALR Area: 44.5 ha
Current Land Use: The majority of the 44 ha property is in irrigated hay production. The 8 ha area proposed for subdivision is vacant and unimproved.

PROPOSAL DETAILS

Subdivision

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

Number of Lots	Lot Size (ha)
2	4.0
1	36.5

Surrounding Land Uses:

North	Large farm parcel which has seen historic improvements - grassland.
East	Large cultivated ALR parcels
South	Kettle River
West	Uncultivated hillside - grassland

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 #: 38921

Applicant: J & T Sabo

Proposal: To subdivide a 12 ha lot from a 46 ha property (Sabo Ranch) and to subdivide a 16 ha lot from the 48 ha property (Basque Ranch) and consolidate the remainders into a single 68 ha lot.

Both of the subdivided parcels would contain the existing homes and outbuildings.

Decisions:

Resolution Number	Decision Date	Decision Description
562	August 16, 1990	Refuse as proposed.

Application #: 28378

Applicant: Emil SABO

Proposal: To subdivide six lots of 4 - 6 ha, leaving a 37 ha remnant.

Decisions:

Resolution Number	Decision Date	Decision Description
967	May 27, 1982	Refuse as proposed because of rural residential intrusion. Reconsidered and reconfirmed.

Note: This proposed subdivision was similar to that currently being requested.

Application #: 27554

Applicant: Emil SABO

Proposal: To exclude 27 ha and subdivide into five lots.

Decisions:

Resolution

Number

Decision Date

Decision Description

966

June 21, 1983

Refuse exclusion of 27 ha. Upon reconsideration a one lot subdivision of 4 ha was allowed for the applicant's son.

Application #: 1162

Applicant: Emil SABO

Proposal: To subdivide a 1.5 ha homesite lot and a the 9 ha lying north of Kettle Valley South Road.

Decisions:

Resolution

Number

Decision Date

Decision Description

968

April 29, 1993

Refuse as proposed.

Note: The one lot subdivision of the land lying north of the Kettle Valley South Road was refused. The current application is for two lots north of the road.

RELEVANT APPLICATIONS

Application #: 45890

Applicant: Yves Joseph Ogierman

Proposal: To exclude 11 ha of a 121 ha parcel from the ALR for residential development.

Decisions:

Resolution

Number

Decision Date

Decision Description

843

September 17, 2009

Allow exclusion of 11 ha

Committee Recommendations

Type

Recommendation

Description

Board/Council

Approve

The Regional District of Kootenay Boundary Regional Board forwarded the application with a recommendation of support.

Advisory Planning
Committee

Approve

The APC supports the proposal because the land has poor agricultural capability.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The Commission has previously refused the current subdivision request, noting that the land has value for spring calving and that subdivision represents a rural residential intrusion.
- 2) The land proposed for subdivision has limited potential for cultivation due to poor soils and rough topography.

3) Lands of similar capability lying to the north of the subject property were recently excluded from the ALR (in Sept. 2009).

ATTACHMENTS

50222 sketch plan and airphoto.pdf
50222_ContextMap20k.pdf

END OF REPORT

Signature

Date