



Agricultural Land Commission Staff Report

DATE: September 8, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50226
PROPOSAL: To subdivide the 4 ha lot into two 2 ha lots.

PROPOSAL INFORMATION

Background: Two previous applications have been considered on the property - see below
Received Date: for details.
Applicant: July 10, 2009
Agent: David Graham
Local Government: FCS Land Services L.P. (Focus)
Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 012-069-159
Legal Description: Lot 1 District Lots 1203 and 1204 Kootenay District Plan 12379
Civic Address: 9611 Porteous Road
Area: 4 ha
ALR Area: 4 ha
Purchase Date: September 14, 2008
Owner: David Graham

Total Land Area: 4 ha
Total ALR Area: 4 ha
Current Land Use: Rural residence

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
4.0	Prime	CLI

Number of Lots	Lot Size (ha)
2	2.0

Surrounding Land Uses:

North McClure Road, residential acreages, and small scale agriculture
East Porteous Road, several 2 hectarre residential parcels, and a large parcel of privately owned grazing land.
South Several 2-hectare residential parcels, some with small scale agricultural uses
West Parkland - Lone Pine Hill hiking trails

Official Community Plan

Bylaw Name: Kimberly Rural OCP Bylaw 1924
Designation: LH Large Holdings
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Bylaw #1925 Kimberly Rural Zoning
Zoning Designation: RR - 2 Rural Resource Zone
Minimum Lot Size: 2.0 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 25653
Applicant: Kenneth Gevatkow
Proposal: To subdivide the 6.5 ha lot into a 4 ha lot and a 2.5 ha lot.

Decisions:

Resolution Number	Decision Date	Decision Description
701	April 11, 1979	Allowed subject to the 2.5 ha area being consolidated with the adjoining 2 ha lot . The result would be two lots each of approximately 4 ha.

Note: The subject property is one of the lots resulting from the subdivision.

Application #: 25652
Applicant: Kenneth Gevatkow
Proposal: To subdivide the 6.5 ha property into two lots of equal size.

Decisions:

Resolution Number	Decision Date	Decision Description
700	October 5, 1977	Refuse as proposed. Reconsidered and reconfirmed refusal.

RELEVANT APPLICATIONS

Application #: 42655
Applicant: Wayne & Diane McKee
Proposal: To subdivide a 0.5 ha parcel that is completely separated from the main part of the property by McClure Road.

Decisions:

**Resolution
Number**

127

Decision Date

March 2, 2006

Decision Description

Allow proposal to subdivide a 0.5 ha parcel that is separated from the main part of the property by McClure Road subject to the 0.5 ha portion being consolidated with the adjacent lot as per Local Government recommendation.

Note:

This decision required the consolidation of the 0.5 ha area lying south of McClure Rd with the subject property. The consolidation has not occurred.

Committee Recommendations

Type

Recommendation

Description

Board/Council

Approve

The Regional District of East Kootenay board forwarded the application with a recommendation of support.

Advisory Planning
Committee

Refuse

The APC for Electoral Area E does not support the application because the configuration of the lots would be a detriment to the agricultural capability of the property.

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The proposed subdivision has been refused twice before by the Commission.
- 2) The subdivision is not supported by the APC, though it is supported by the Regional Board.
- 3) Reducing parcel size almost ensures that the land will not be used for agricultural purposes. However, whether a parcel is 2 ha or 4 ha, its grazing potential is still very limited
- 4) The subject property lies in an area dominated by rural residential uses. An additional residential parcel would have no substantive effects on the nearby lands used for grazing.

ATTACHMENTS

- 50226_AirphotoMap.pdf
- 50226_ContextMap10k.pdf
- 50226 sketch plan.pdf

END OF REPORT

Signature

Date