



## Agricultural Land Commission Staff Report

**DATE:** October 29, 2009

**TO:** Vice Chair and Commissioners - Kootenay Panel

**FROM:** Martin Collins

**RE:** Application # 50407

**PROPOSAL:** To exclude 2 ha of the 20 ha property from the ALR for the purposes of subdividing two 1 ha river front residential lots. Alternately the applicant wishes to subdivide the 20 ha property into two equal sized 10 ha lots.

### PROPOSAL INFORMATION

**Background:** One previous application has been considered on the property. See below for details.  
**Received Date:** August 19, 2009  
**Applicant:** Angela & Mark Isenor  
**Agent:** N/A  
**Local Government:** Regional District of Kootenay-Boundary

### DESCRIPTION OF LAND

**PID:** 007-235-399  
**Legal Description:** Lot 3 District Lots 1151S and 3156S Similkameen Division Yale District Plan 37990  
**Civic Address:** Brown Creek Road, north of Grand Forks  
**Area:** 20.2 ha  
**ALR Area:** 10 ha  
**Purchase Date:** July 19, 1991  
**Owner:** Angela & Mark Isenor

**Total Land Area:** 20.2 ha  
**Total ALR Area:** 10 ha  
**Current Land Use:** Rural residential with cleared (30%) and forested areas (70%) - contains a house, barn and two sheds

### PROPOSAL DETAILS

#### Exclusion

Area	Agricultural Capability	Agricultural Capability Source
2.0	Secondary	On-Site

### Surrounding Land Uses:

North Cleared field area in the ALR and forested hillside outside the ALR.  
East Forested vacant land outside the ALR  
South Cleared ALR lands used for pasture and grazing.  
West Granby River - then vacant forested crown land

### Official Community Plan

**Bylaw Name:** Bylaw #852, 1999

**Designation:** Rural Resource

**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** Bylaw # 1299

**Zoning Designation:** Rural Resource 1

**Minimum Lot Size:** 10.0 ha

**Zoning Compliance:** Yes

## PREVIOUS APPLICATIONS

**Application #:** 9183

**Applicant:** Maurice & Beverley ISENSOR

**Proposal:** To subdivide the 45.3 ha parcel into 3 lots (12.2, 14.2, 18.8 ha). Approximately 22 ha are in the ALR.

### Decisions:

#### Resolution

Number	Decision Date	Decision Description
1165	March 10, 1986	Allow as proposed.
1232	December 16, 1985	Refuse as subdivision as proposed but allow subdivision along the ALR boundary.

**Note:** The application was reconsidered and allowed. One of the resulting lots is the subject property.

### Committee Recommendations

Type	Recommendation	Description
Board/Council	See Report	The Regional District of Kootenay Boundary forwarded the application, recommending that the consideration of the exclusion be deferred until the completion of the Boundary Agricultural Area Plan.
Advisory Planning Committee	Refuse	The Electoral Area D - APC did not support the exclusion application because an agricultural survey was being undertaken by the Regional District.

## STAFF COMMENTS

Staff suggest that the Commission consider the following:

1) The land capability of the 2 ha area has been assessed by an agrologist to be secondary i.e. not suited to cultivation. In addition he indicates that should be land be cleared for agriculture it would likely become a host site for invasive weeds, to the detriment of farmland located to the south.

- 2) The land under application, though adjacent to the river has not been cleared for agriculture, suggesting that the land has limited capacity for improvement.
- 3) The Commission permitted subdivision of this land in 1986 (upon reconsideration) on the recommendation of the Regional Director that the best use of the land was for hobby farm units.
- 4) The Regional Board and the APC do not support the proposed exclusion at this time because an Agricultural Inventory is underway in preparation of a proposed "Boundary Area Agriculture Plan"

**ATTACHMENTS**

- 50407\_ContextMap20k.pdf
- 50407 airphoto.pdf
- 50407 consultants report.pdf

**END OF REPORT**

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**Signature**

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**Date**