



# Agricultural Land Commission Staff Report

**DATE:** January 25, 2010  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 51151

**PROPOSAL:** To subdivide a 0.4 ha lot from the 2 ha property. The applicants want to construct a new home on the 0.4 ha lot and sell the 1.6 ha remnant with the existing home.

## PROPOSAL INFORMATION

**Background:** The Commission allowed the creation of the subject property in the early 1990's. See previous application.  
**Received Date:** December 10, 2009  
**Applicant:** Kimball Hyllestad  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

## DESCRIPTION OF LAND

**PID:** 023-750-073  
**Legal Description:** Lot A District Lot 344 Kootenay District Plan NEP59023  
**Civic Address:** 5377 Highway 93/96  
**Area:** 2 ha  
**ALR Area:** 2 ha  
**Purchase Date:** July 10, 2004  
**Owner:** Kimball Hyllestad

**Total Land Area:** 2 ha  
**Total ALR Area:** 2 ha  
**Current Land Use:** Forested parcel with a residence

## PROPOSAL DETAILS

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
2.0	Prime	CLI

Number of Lots	Lot Size (ha)
1	0.4
1	1.6

**Surrounding Land Uses:**

North 2 ha Rural Residential lots & Nature Trust of BC property  
 East Westside Road - Hayfield - 41 ha Gravel Pit/farm use  
 South Hwy 93/95 - 8 ha Campground - 0.15 ha Restaurant/store - Vacant Acreage - 14.5 ha Mixed Farm  
 West 25 ha Vacant Acreage - Hoodoos

**Official Community Plan**

**Bylaw Name:** Lake Windermere OCP  
**Designation:** SH Small Holdings  
**OCP Compliance:** No

**Zoning**

**Zoning Bylaw Name:** Upper Columbia Zoning Bylaw  
**Zoning Designation:** SH-3 Small Holding Rural Zone  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** No

**PREVIOUS APPLICATIONS****Application #:** 656**Applicant:** J.R. & G.A. ASHWORTH**Proposal:** To s/d the two properties into twelve 0.4 ha lots for residential purposes, one 0.2 ha lot for commercial purposes and a remainder.**Decisions:****Resolution****Number****Decision Date****Decision Description**

1270

December 18, 1992

Commission refused proposal to s/d properties into twelve 0.4 ha lots, one 0.2 ha lot and a remainder but did allow the s/d of two 2 ha parcels just south of Lot 2.

**Note:** The subject property is one of the two 2 ha lots lying to the south of Lot 2.**Committee Recommendations****Type****Recommendation****Description**

Planning Staff

Refuse

RDEK staff did not support the application because it is inconsistent with OCP policies.

Board/Council

Approve

The Regional District of East Kootenay Board of directors did not support the proposed subdivision, but instead supported the subdivision of the 2 ha lot into two equal sized 1 ha lots.

Advisory Planning Committee

Approve

The APC for Areas F and G supported an amended two lot proposal ( 2@1 ha).

Electoral Area Director

Approve

Director Booth supports the subdivision into two equal sized lots.

**STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) The 2 ha subject property is not a suitable size from an agricultural perspective.
- 2) There would be no negative impacts from the proposed subdivision because there is no agriculture occurring nearby.
- 3) The proposed 0.4 ha lot would adjoining an existing 0.4 ha lot.
- 4) The Regional District, the APC and Area Director do not support the subdivision, but do support subdivision of the 2 ha lot into two equal sized 1 ha lots.
- 5) In a letter dated January 18, 2010 the applicant responds to the Regional District, APC and Directors comments, indicating that both proposed lots have their own well and septic field, and that subsequent subdivision of the 1.6 ha lot is prevented because of a lack of road access.

## **ATTACHMENTS**

511151 sketch plan.pdf  
511151\_ContextMap20k.pdf  
511151\_AirphotoMap20k.pdf

## **END OF REPORT**

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**Signature**

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