



Agricultural Land Commission Staff Report

DATE: March 3, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 51594

PROPOSAL: To subdivide an 8.1 ha lot from the 21.7 ha parcel leaving a 13.6 ha remainder. The 8.1 ha lot will be sold to the neighbouring property owner who wishes to expand his hobby farm.

PROPOSAL INFORMATION

Background: The 8.1 ha are is divided from the remainder by an easement and has not been used by the applicants.
Received Date: February 16, 2010
Applicant: Andrew & Dawn Boon
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 008-193-533
Legal Description: Lot 1 District Lot 332 Kootenay District Plan 2845
Civic Address: 8594 Holmes Road
Area: 21.6 ha
ALR Area: 21.6 ha
Purchase Date: July 16, 1990
Owner: Andrew & Dawn Boon

Total Land Area: 21.6 ha
Total ALR Area: 21.6 ha
Current Land Use: Residence, outbuildings, forested

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
21.6	Secondary	CLI

Number of Lots	Lot Size (ha)
1	8.0

1 13.6

Surrounding Land Uses:

North 48 ha parcel containing cultivated land and forested land.
East Forested Crown Land
South Rural residential - ~9 ha
West Rural residential hobby farm - 4.8 ha

Official Community Plan

Bylaw Name: No OCP exists in this area.

Designation:

OCP Compliance: Yes

Zoning

Zoning Bylaw Name: Fort Steele - Bull River Land Use Bylaw # 1804

Zoning Designation: RR-8

Minimum Lot Size: 8.0 ha

Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 25537

Applicant: Richard & Karen Careless

Proposal: To subdivide the 21.7 ha property as divided by the easement.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

Note: The Commission refused the subdivision application because of concerns about the impacts of increasing rural residential density on local ranches.

RELEVANT APPLICATIONS

Application #: 44562

Applicant: Brian and Patricia Adams

Proposal: Subdivision for a Relative: To subdivide the 9.4 ha subject property, to create one (1) 2.9 ha lot for the owner's son, leaving a 6.5 ha remainder home site for the owners.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

113

March 27, 2008

Refused as the Commission is not in favour of creating residential lots within an agricultural area.

Note: The Commission reconsidered and approved the subdivision proposal in April 2009.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	RDEK planning staff supported the application because it is consistent with the Fort Steele - Bull River Land Use Bylaw.
Board/Council	Approve	The Regional District of East Kootenay Board of Directors forwarded the application with a recommendation of support.
Agricultural Advisory Committee	Approve	The RDEK AAC noted no agricultural concerns with the application.
Advisory Planning Committee	Approve	The APC for Area C recommended that the application be approved.
Electoral Area Director	Approve	Electoral Area Director Rob Gay supported the application

STAFF COMMENTS

Staff suggests that the Commission consider the following:

- 1) The soil capability rating for the property is CLI Class 5 PM with limitations for stoniness and seasonal moisture deficiency. However it should be noted that land to the north has been improved for forage pasture with irrigation.
- 2) In 1984 the Commission refused what was essentially the same subdivision application submitted by a previous owner because of concerns about increasing rural residential density in this ranching area.
- 3) In 2009 the Commission reconsidered and approved a two lot subdivision of the adjoining 9 ha property to the south (into a 3 ha lot and 6 ha lot) on the grounds the land had limited capability for agricultural development.
- 4) The adjoining landowner has provided information indicating his intent to purchase the 8 ha subdivided area to increase the size of his hobby farm. Although it is possible that the land will not be sold and used as a residence, it seems likely that in the long term this is inevitable. Another way to achieve the land transfer is to allow the subdivision of 8 ha subject to its consolidation by resurvey with the adjoining property (Lot 1, Plan 4422).
- 5) The primary issue pertaining to this application is whether the impacts of an additional resident (which may not occur in the short term if the land is used by the adjoining property owner) will have any substantive impacts upon farming activity on the property and in the surrounding area.

ATTACHMENTS

- 51594 ALC map.pdf
- 51594 airphoto map.pdf
- 51594 adjoining property letter.pdf

END OF REPORT

Signature

Date
