



## Agricultural Land Commission Staff Report

**DATE:** May 3, 2010  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Jennifer Carson

**RE:** Application # 51608

**PROPOSAL:** To adjust the boundaries between a 0.1 ha property and a 20.4 ha property to create parcels of 4.0 ha and 16.5 ha. The 0.1 ha property is currently not within the ALR and is being proposed for inclusion.

### PROPOSAL INFORMATION

**Background:** The subject properties are jointly owned by a mother (Rosemary), her son (Francis) and daughter in law (Larissa). Rosemary currently lives on the property and has 7 head of cows, 2 Clydesdale horses which she is hoping to be able to use for farming in the future, chickens and a garden (to provide for 10 CSAs). Once Francis and Larissa move to the property, they plan to add a milk cow and pigs to the farm. Larissa has indicated that she and Francis would prefer to have their own title which is the basis for the application. Larissa indicated that the portion of land they are proposing within the application is currently not farmed but they hope to farm it in the future. It was also mentioned that upon Rosemary moving away from the property, Larissa and Francis would retain the larger parcel.

**Received Date:** February 23, 2010  
**Applicant:** Larissa & Francis & Rosemary Hughes  
**Agent:** Rosemary Hughes  
**Local Government:** Regional District of Central Kootenay

### DESCRIPTION OF LAND

**PID:** 012-980-773  
**Legal Description:** Lot 1, District Lot 7903, Kootenay District Plan 969, Except Part Included in SRW Plans 10288 and 9553  
**Civic Address:** 1209 Highway 6  
**Area:** .1 ha  
**ALR Area:** 0 ha  
**Purchase Date:** October 8, 2003  
**Owner:** Larissa & Francis & Rosemary Hughes

**PID:** 012-983-730  
**Legal Description:** Lot 3, District Lot 7903, Kootenay District, Plan 969, Except Part Included in SRW Plans 10288 and 9553  
**Civic Address:** 1209 Highway 6

**Area:** 21.4 ha  
**ALR Area:** 21.4 ha  
**Purchase Date:** October 8, 2003  
**Owner:**

**Total Land Area:** 21.5 ha  
**Total ALR Area:** 21.4 ha  
**Current Land Use:** Lot 1 - Currently unused  
Lot 3 - Farm, residential

## PROPOSAL DETAILS

### Inclusion

Area	Agricultural Capability	Agricultural Capability Source
0.1	Prime	CLI

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
21.4	Prime	CLI

Number of Lots	Lot Size (ha)
1	4.0
1	17.4

### Surrounding Land Uses:

North Highway, Residential  
East Farm, Residential  
South Farm, Residential  
West Brouse Loop Road, Residential

### Official Community Plan

**Bylaw Name:** The Arrow Lakes OCP Bylaw No. 2022, 2009  
**Designation:** Agricultural (Ag) and Rural Residential (R3)  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** RDCK Zoning Bylaw No. 1675, 2004  
**Zoning Designation:** Agriculture 4K (AG4K), Rural Residential K (R3K)  
**Minimum Lot Size:** 2.0 ha  
**Zoning Compliance:** Yes

## RELEVANT APPLICATIONS

**Application #:** 12712  
**Applicant:** Anton & Andrea SZABO  
**Proposal:** subdivide three 0.5 ha lots from the 4 ha property

**Decisions:**

Resolution Number	Decision Date	Decision Description
342	March 16, 1990	refused due to impact

**Note:** property is south of the subject properties

**Application #:** 6897  
**Applicant:** Miriam Pigott  
**Proposal:** To subdivide a 0.8 ha lot from the 5.5 ha property as a private campsite for the summer months for the applicant's grandson.

**Decisions:**

Resolution Number	Decision Date	Decision Description
17	January 22, 1997	The Commission refused the subdivision because of concerns about impact and precedent.

**Note:** adjacent property to the west

**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	No Comment	No objection to the subdivision. Regarding the rezoning of the 0.1 ha currently zoned rural residential, staff feel that it is not important, however will accept it if the Commission prefers it.

**STAFF COMMENTS**

- It is recommended that the Commission consider the following:
- The improved ratings of the agricultural capability of the properties are identified as prime (Class 2 and some Class 4) with limitations of undesirable soil structure and combination of soil factors.
  - One possible benefit of this proposal would be that it removes a residential lot outside of the ALR, and brings it into the ALR, which may prove advantageous in the future.
  - While the proposal is a boundary adjustment, it does reduce the size of the larger parcel, which may reduce the types of agricultural operations possible for the larger subject property.
  - As the applicant's plan is to keep both properties in the family there may be other possibilities to provide Larissa and Francis with their own portion of the property, without essentially subdividing the larger property. Options such as a flexible site for a second dwelling for Larissa and Francis, a lifetime lease for Rosemary or a binding of titles may be discussed with the applicants.
  - The applicants have owned the property since September 2003.

**ATTACHMENTS**

- 51608\_AgCapabilityMap.pdf
- 51608\_AirphotoMap10k.pdf
- 51608\_ContextMap20k.pdf
- 51608 lg report.pdf
- 51608 sketch.pdf

**END OF REPORT**

**Signature**

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**Date**

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