



Agricultural Land Commission Staff Report

DATE: May 17, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51637
PROPOSAL: To construct a second dwelling on the subject property in order to use the existing dwelling for farm worker housing and the farm office.

PROPOSAL INFORMATION

Background: The new residence would be built on the South West corner of the property. The applicants explain that the nature of the sprouting operation requires people to be present on the farm throughout the day making commuting difficult.
Received Date: March 8, 2010
Applicant: Kevin & Laura Stavast
Agent: N/A
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 027-471-519
Legal Description: Lot 1, District Lot 273, Kootenay District, Plan KEP86427
Civic Address: 1026 Airport Rd
Area: 3.1 ha
ALR Area: 3.1 ha
Purchase Date: May 26, 2009
Owner: Kevin & Laura Stavast

Total Land Area: 3.1 ha
Total ALR Area: 3.1 ha
Current Land Use: Residence and active farming. 3000 sq ft greenhouse, sprouting container facility, barn used for vehicle parking and storage, wood shed for tractors and implements, chicken house, certified organic garden, fruit orchards, herb/flower perennial gardens and composting site.

PROPOSAL DETAILS

Non Farm Use

| Area | Agricultural Capability | Agricultural Capability Source |
|------|-------------------------|--------------------------------|
| 0.1 | Prime | CLI |

Surrounding Land Uses:

North 7.2 ha parcel with permanent dwelling, half forest, half not cultivated field
East Secondary Highway
South 7.2 ha parcel with two permanent dwellings. Half forest, half uncultivated field
West Property owned by immediate family with one permanent dwelling at 3.6 ha. Portion used to grow commercial garlic crops, but mainly old growth forest

Official Community Plan

Bylaw Name: there is no OCP for this area

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: there is no zoning bylaw for this area

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

PREVIOUS APPLICATIONS

Application #: 43764

Applicant: George and Margo Wilson

Proposal: To subdivide the 7.5 ha lot into two lots, one at 4.1 ha and one at 3.4 ha.

Decisions:

Resolution

Number

Decision Date

Decision Description

238

May 3, 2007

Allow with condition that no other dwelling be placed on property.

Note: this application created the subject property.

Application #: 25083

Applicant: P. Ryckewaert

Proposal:

Decisions:

Resolution

Number

Decision Date

Decision Description

Note: Subdivision was refused.

Committee Recommendations

Type

Recommendation

Description

Board/Council

Approve

The Board supports the proposal to build a 2nd dwelling on the subject property.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property is improvable to Class 2 with the limitation of climate.
- The applicants have owned the property since April 2009.
- In a previous application on the parent property, the Commission made the decision to allow

subdivision on the condition that a covenant be placed on the current subject property, which included the farm operation, to restrict the number of dwellings on the property to one. The rationale for this stipulation was that the land within the subject property had such high agricultural capability and thus the creation of further residences would adversely impact the property. As a result, the applicants are also requesting that the Commission remove the aforementioned restrictive covenant.

-Staff requested further information from the applicants and were provided with pictures of the property, a link to their business' website and the explanation provided in the attached email.

ATTACHMENTS

51637 proposal.pdf

51637lg report.pdf

51637_ContextMap20k.pdf

51637_AirphotoMap20k.pdf

51637_AirphotoMap5k.pdf

51637_AgCapabilityMap.pdf

END OF REPORT

Signature

Date