



Agricultural Land Commission Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51676
PROPOSAL: To subdivide 4.1 ha at the corner of Fish Lake Road and McDermid Road from the 30.4 ha subject property.

PROPOSAL INFORMATION

Background: Property has not produced sufficient income due to water shortage and has lost the property tax farm status rating as of 2010, and in order to settle the current mortgage and to finance the installation of power landowner wishes to sell off a portion of the property.

Received Date: April 6, 2010
Applicant: Robert Sanders
Agent: N/A
Local Government: Regional District of Kootenay-Boundary

DESCRIPTION OF LAND

PID: 004-533-691
Legal Description: Lot B District Lot 320 Similkameen Division Yale District Plan 28496
Civic Address: 2140 Fish Creek West Road
Area: 30.3 ha
ALR Area: 30.3 ha
Purchase Date: December 11, 1980
Owner: Robert Sanders

Total Land Area: 30.3 ha
Total ALR Area: 30.3 ha
Current Land Use: Residential, pasture for 2 horses, shop, machine shed, small barn, small sheds for wood, tools and chickens

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
30.4	Secondary	CLI

Number of Lots	Lot Size (ha)
1	4.1
1	26.3

Surrounding Land Uses:

North	Crown Forest - Mining Camp
East	Crown Forest
South	Crown Forest
West	Residential

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 #: 16365

Applicant: Solicitor General - Can. Penitentiaries Service

Proposal: Proposed to construct a maximum security institution on the 138.7 acre property of which 82 acres are in the ALR.

Decisions:

Resolution

Number	Decision Date	Decision Description
3283	February 13, 1976	Allowed.

Note: approval of this subdivision application created the subject property.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	Recommend support.
Board/Council	Approve	Support the application.
Advisory Planning Committee	Approve	supports the application. They consider the area good forest but not good farm land and not suitable for agricultural purposes.
Other	Approve	The planning and development committee recommends support of the application.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property Class 4, 5 and 6 with the limitations of moisture deficiency, excess water, stoniness and topography.
- The applicants have owned the property since December 1980.
- A previous application (#75-661/16365) created the subject property, separated from the existing western adjacent property.
- The aerial photograph seems to portray that this subdivision would divide an existing field in half.
- It is the Commission' s experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures.
- Subdivision could heighten landowner expectations in the surrounding area that similar requests would be routinely permitted. The effects of heightened expectations are speculation, increased farmland prices, and reduced agricultural investment and activity.
- The applicant has written a letter outlining his reasons for wishing to subdivide the property. This letter is appended to this staff report for further information.

ATTACHMENTS

51676_ContextMap20k.pdf
51676_AgCapabilityMap.pdf
51676_AirphotoMap20k.pdf
51676 lg report.pdf
51676 proposal.pdf

END OF REPORT

Signature

Date