



Agricultural Land Commission Staff Report

DATE: May 10, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51677
PROPOSAL: Subdivision - Union of Spiritual Communities of Christ

PROPOSAL INFORMATION

Background: Divide property into two parcels separated by existing public access road
Received Date: April 1, 2010
Applicant: Union of Spiritual Communities of Christ
Agent: WSA Engineering Ltd
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 015-067-238
Legal Description: Lot 1, District Lot 383, Kootenay District, Plan 2887
Civic Address: Perry's Village Road area
Area: 4.8 ha
ALR Area: 4.8 ha
Purchase Date: November 29, 1965
Owner: Union of Spiritual Communities of Christ

Total Land Area: 4.8 ha
Total ALR Area: 4.8 ha
Current Land Use: Vacant

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
4.8	Prime Dominant	CLI

Number of Lots	Lot Size (ha)
1	3.0
1	1.6

Surrounding Land Uses:

North Agricultural (hay) on 0.5 ha, grazing on remainder
East Forest
South Agricultural (market garden) on 0.2 ha
West Highway, railway, river floodplain

Official Community Plan

Bylaw Name: No OCP for this area

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: No Zoning Bylaw for this area

Zoning Designation:

Minimum Lot Size:

Zoning Compliance:

RELEVANT APPLICATIONS

Application #: 44477

Applicant: Edda West

Proposal: To subdivide an 7.6 ha parcel into two (2) lots of 4.5 ha and 3.1 ha along a road the bisects the property.

Decisions:

Resolution

Number

Decision Date

Decision Description

299

May 9, 2008

Refused as proposed, but would allow a boundary adjustment with adjacent neighbour.

Note: adjacent property across the Hwy to the west of the subject property.

Application #: 44242

Applicant: Jason & Lisa Stooshnoff

Proposal: To subdivide the 6.2 ha subject property to create 3 lots of 1.0 ha, and a remainder of 3.2 ha.

Decisions:

Resolution

Number

Decision Date

Decision Description

508

September 5, 2007

Refused as proposed, but allowed subdivision of two (2), 2.5 ha lots plus the remainder, on the grounds of agricultural capability.

Note: adjacent property to the north

Application #: 43910

Applicant: Margaret Frith

Proposal: To subdivide the 7.2 ha subject property into two (2) lots.

Decisions:

Resolution Number

375

Decision Date

July 13, 2007

Decision Description

Refused as proposed on the grounds that the proposal would split the area of the property with good agricultural capability. Allowed alternative proposal of 1.0 ha in the wooded area of the property.

Note: adjacent property to the south

Application #: 19116

Applicant: Linda Miller

Proposal: Linda Miller is requesting the exclusion of her 5.1 ha parcel for proposed residential use including a double wide modular home (hers) a single wide trailer (rented) and a log home (also rented). The applicant is not able to obtain a building permit for her new double wide from the RD.

Additionally, the applicant proposes development of retirement living spaces for seniors (unspecified density).

The applicant states that the land is not good farmland and proposed the following options to the Commission: Remove entire parcel for development in future and to obtain building permit for double wide

Remove only area south of Bentley Road as it is the poorest land

Subdivide along Bentley Road and allow cousin to remain renting log home

Allow new double wide to be permitted, leave log home as long as present occupant desires to live there.

Decisions:

Resolution Number

337

Decision Date

June 28, 2002

Decision Description

refuse exclusion - property has good agricultural capability

Note: property is southwest of current subject property

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Approve

No objection to the application as there is no regulatory land use bylaw or OCP for the area.

Board/Council

No Comment

Referred to the Area Director. A Regional Board Resolution may follow in due course.

STAFF COMMENTS

Staff suggests the Commission consider the following:

-The agricultural capability of the subject property is improvable to Class 2, 3, 4 and 5 with the limitations of moisture deficiency, combination of soil factors, excess water, inundation and topography.

-The Union of Spiritual Communities of Christ has owned the property since November 1965.

-Relevant applications in the area, both north and south of the subject property have been approved for some subdivision. However, neither of these subdivisions have occurred.

ATTACHMENTS

51677 sketch.pdf

51677 proposal.pdf

51677 lg report.pdf

51677_AirphotoMap10k.pdf

51677_ContextMap20k.pdf

51677_AgCapabilityMap.pdf

END OF REPORT

Signature

Date