



Agricultural Land Commission Staff Report

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

RE: Application # 51695
PROPOSAL: Subdivision through the Homesite Severance to create a 1.3 ha parcel and a 6.8 remainder parcel.

PROPOSAL INFORMATION

Background: The applicant has submitted evidence of living and residing on the subject property since before the inception of the ALR and thus qualifies for consideration under the Homesite Severance Policy.

Received Date: April 19, 2010
Applicant: Gladys Charman
Agent: N/A
Local Government: Regional District of Central Kootenay

DESCRIPTION OF LAND

PID: 016-710-509
Legal Description: Lot 20, District Lot 892, Kootenay District, Plan 698 Except (1) That Part Lying North of a Line Which Bisects the Easterly and Westerly Boundaries of the Said Lot and (2) that Part Included in Plan 6110
Civic Address: 1940 Hwy 3A, Creston
Area: 7.8 ha
ALR Area: 5 ha
Purchase Date: January 1, 1937
Owner: Gladys Charman

Total Land Area: 7.8 ha
Total ALR Area: 5 ha
Current Land Use: Vineyard, Farm buildings, Farm house

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
5.0	Prime Dominant	BCLI

Number of Lots	Lot Size (ha)
1	1.3
1	3.7

Surrounding Land Uses:

North	Farm
East	Crown
South	Farm
West	Farm

Official Community Plan

Bylaw Name: Creston Valley OCP Bylaw 1575, 2002
Designation: Agriculture 2 (AG2)
OCP Compliance:

Zoning

Zoning Bylaw Name: RDCK Zoning Bylaw 1675, 2004
Zoning Designation: Agriculture 2 (AG2)
Minimum Lot Size: 8.0 ha
Zoning Compliance: No

Committee Recommendations

Type	Recommendation	Description
Planning Staff	See Report	if the ALC approves this HOmesite Severance application it is the opinion of staff that the subdivision application would comply with the RDCK Zoning Bylaw 1675, 2004.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the ALR portion of the subject property is Class 2 with the limitation of undesirable soil structure.
- The applicant has owned and lived on the property since 1966, her husband’ s family had owned the property since 1937 and has provided a notarized declaration to this effect and thus qualifies for consideration under the Homesite Severance Policy.
- In a previous application (#75-421/13608) on the subject property, the Commission approved the construction of a second dwelling on the subject property, in order to move into the new home and rent out the old one. The applicant would continue running the farm full time and would maintain its feedlots and calving area.
- Staff requested clarification via a telephone message regarding the proposed location of the proposed parcel as it includes the barn and shop which are likely used by the property’ s vineyard. It is assumed that this was the ideal location for the new property as it allowed Mrs. Charman to remain in her existing house. Further question as to whether it would be possible to reduce the size of the proposed parcel in order to leave the barn and shop with the vineyard warrants discussion. Another possible avenue could

be a lifetime lease for the house which would allow the house to return to the farm when the applicant moves away from the property. Upon response to these inquiries the Commissioners will be notified.

ATTACHMENTS

51695 sketch.pdf

51695m1.pdf

51695 lg report.pdf

51695 proposal.pdf

51695_AirphotoMap10k.pdf

51695_AgCapabilityMap.pdf

51695_ContextMap50k.pdf

END OF REPORT

Signature

Date