



Staff Report
Application # L – 37627
Applicant: Belay Enterprise Ltd
Agent: Focus Corporation

DATE RECEIVED: August 20, 2007

DATE PREPARED: October 11, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To exclude the 49 ha subject property to facilitate the development of an eco-sensitive residential neighborhood. This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

The Corporation of the City of Fernie

Legal Description of Property:

PID: 016-692-063

That part of District Lot 5237, Kootenay District, Lying South of the Portion Subdivided by Plan 1280 and Westerly Extension of the Southerly Boundary of Lot 36, Plan 1280 and West of Parcel B (See 243301) of Lot 36 Except 1) Parts Shown Outlined in Red on Plans 317251 and 348211, 2) Part Included in Explanatory Plan 362211, 3) Part Included in Plan 4201 and, 4) Part Included in Plan R368

Purchase Date:

April 2006

Location of Property:

Mount Fernie Park Road and Anderson Road, Fernie

Size of Property:

49.0 ha (The entire property is in the ALR).

Present use of the Property:

Undeveloped

Surrounding Land Uses:

WEST: Agricultural/non-ALR high density residential
SOUTH: Rural Residential
EAST: Mt. Fernie Park (non ALR)
NORTH: Rural Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/6
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Regional District of East Kootenay Fernie Area Land Use Strategy
Designation: N/A

Zoning Bylaw and Designation:

Zoning : Elk Valley Bylaw 829
Designation: RR-60 Rural Resource
Minimum Lot Size: 60.0 ha

RELEVANT APPLICATIONS:

Application #32043-0

Applicant: Galloway Lumber Co Ltd
Decision Date: June 25, 1998
Proposal: To exclude the 39.3 ha property for the purpose of expanding the existing ski facility. Proposed uses include parking, day use facilities, residential and other recreational uses.
Decision: Allowed in view of surrounding land uses and in view of previous Commission application decisions in the area

Application #16951-0

Applicant: Majic, Anne Harris
Decision Date:
Proposal: Exclusion of subject property/
Decision:

Application #16951-1

Applicant: Majic, Anne Harris
Decision Date: October 29, 1985
Proposal: Appeal ALC decision to refuse exclusion of 29.6 ha from ALR.
Decision: Appeal granted (Exclusion Allowed - 29.6 ha).

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council:

Council for the City of Fernie forwarded the application with a recommendation of support.

Staff:

That Council support the application.

STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- When reviewing an OCP for the city in 1996 the Commission considered a proposal to extend the boundaries to take in this property as well as a number of other properties south of the city. In its decision under Resolution Number 68/96 the Commission suggested the following statement be included in the plan:

“Any Southwest expansion of City boundaries onto ALR lands will take place on the Southwest Bench area, which the Agricultural Land Commission has agreed to exclude. The Commission has not agreed to exclude the more valuable agricultural lands on the Southwest Flats area.”

The area supported for exclusion is shown on one of the attachments and includes all of the application site with the exception of the north eastern corner which has improved Class 1 capability ratings.

- Both local government staff and council support the application.
- The improved ratings for the agricultural capability of the subject property are Class 1, 3, 4 and 6 with the limitation of topography. The northeastern portion of the property can be improved to Class 1.
- There have been other exclusion applications in the area with varying outcomes.

ATTACHMENTS:

1. ALC Context Map
2. Aerial Photograph
3. Agricultural Capability Map
4. Map showing areas that the Commission has agreed to exclude.
5. Local Government Staff Report (2 pages)
6. Submission from applicant (10 pages)

END OF REPORT



Signature

10/22/07

Date