



## Agricultural Land Commission Staff Report

**DATE:** December 17, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 50993  
**PROPOSAL:** To subdivide the 151 ha property into two lots of roughly equal size (71 ha and 80 ha). The applicants want to sell the easterly 71 ha to provide financial security for their retirement.

### PROPOSAL INFORMATION

**Background:** The Commission previously approved two applications on the property. See  
**Received Date:** below for details  
**Applicant:** November 12, 2009  
**Agent:** James & Patricia Ryan  
**Local Government:** N/A  
Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 026-324-245  
**Legal Description:** Lot 1, District Lot 2047, Kootenay District, Plan NEP78332 Except Plan NEP84844  
**Civic Address:** 3494 Mission Wycliffe Road, Cranbrook  
**Area:** 151 ha  
**ALR Area:** 151 ha  
**Purchase Date:** November 18, 1993  
**Owner:** James & Patricia Ryan

**Total Land Area:** 151 ha  
**Total ALR Area:** 151 ha  
**Current Land Use:** Farm land; residence, cow barn, hay sheds, equipment shed attached to cow barn, tool shed, three animal shelters, old storage shed and old cabin, hayfields and pasture.

### PROPOSAL DETAILS

**Subdivision**

<b>Area</b>	<b>Agricultural Capability</b>	<b>Agricultural Capability Source</b>
151.0	Secondary	CLI

<b>Number of Lots</b>	<b>Lot Size (ha)</b>
1	71.0
1	80.0

**Surrounding Land Uses:**

North	19 ha, 8 ha (unoccupied), Peter Lyes farm (129 ha)
East	Rural residential subdivision - Clearview in 2 ha lots.
South	Large parcels in pasture ranging in size from 64 ha to 168 ha
West	Large ALR parcels 40-60 ha.

**Official Community Plan**

**Bylaw Name:** Wycliffe Land Use Bylaw  
**Designation:**  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:**  
**Zoning Designation:** RR-60  
**Minimum Lot Size:** 60.0 ha  
**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 43071

**Applicant:** Patricia M. and James Gordon Ryan

**Proposal:** To subdivide a 7.9 ha parcel from the 160 ha subject property as divided by a road

**Decisions:**

**Resolution**

<b>Number</b>	<b>Decision Date</b>
358	June 27, 2006

**Decision Description**

Allow the proposed subdivision as it was demonstrated that this area of the property, north of the road, was not useful for the operation of the whole farm. This decision was subject to the applicants' proposal to use the proceeds of the subdivision to pay for a water system to enhance their existing cattle operation. It was felt the impact to local agriculture of this subdivision would be minimal due to the existence of roughly fifty 2 ha lots to the east of the subject property that were created prior to the ALR.

**Application #:** 40676

**Applicant:** James & Patricia Ryan

**Proposal:** A boundary realignment between two existing parcels of 127 ha and 53 ha, resulting in

one large parcel of 160 ha, containing all the farm buildings and the active farming area, and one small parcel of 21 ha located north of the Mission-Wycliffe Road. A part of the application is for the dedication of two small roads, one to access the lake on the property and the other connecting subplot 3 to Mission-Wycliffe Road.

**Decisions:**

<b>Resolution Number</b>	<b>Decision Date</b>	<b>Decision Description</b>
514	October 29, 2003	Allow as requested.

**Note:** Legacy # 35033 - Boundary realignment (2003)

**Committee Recommendations**

<b>Type</b>	<b>Recommendation</b>	<b>Description</b>
Planning Staff	Approve	RDEK planning staff supported the application.
Board/Council	Approve	The Regional District of East Kootenay Board of directors forwarded the application with a recommendation of support.
Agricultural Advisory Committee	Approve	The Agricultural Advisory Committee supported the application.
Advisory Planning Committee	Approve	The APC for Electoral Area C recommended approval for the application.

**STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The soils of the subject property range from Class 4 to class 6 and support dry grazing.
- 2) The property is among the largest in the area.
- 3) Reducing parcel sizes limits agricultural options, particularly in areas where soils and climate limit farm activity to cattle grazing. In this area larger parcels are more likely to be used for agriculture.
- 4) Subdivision will result in the construction of additional homes, yard and access on the vacant 71 ha parcel to its agricultural detriment..
- 5) It is likely that if this subdivision is approved, additional requests for subdivision will follow, further compromising the agricultural potential of this land.
- 6) The Agricultural Advisory committee, APC, RDEK Board, and planning staff all recommended that the application be approved.

**ATTACHMENTS**

50993\_AirphotoMap.pdf  
50993\_ContextMap20k.pdf

**END OF REPORT**

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Signature

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Date