



Agricultural Land Commission Staff Report

DATE: January 25, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 51148
PROPOSAL: To subdivide the 4 ha property into two 2 ha lots.

PROPOSAL INFORMATION

Background: No previous applications have been considered on the property.
Received Date: December 10, 2009
Applicant: Wayne & Caroline Stamler
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 014-283-344
Legal Description: Lot 6 District Lot 4588 Kootenay District Plan 1299
Civic Address: 4310 Hill Road
Area: 4 ha
ALR Area: 4 ha
Purchase Date: June 10, 2005
Owner: Wayne & Caroline Stamler

Total Land Area: 4 ha
Total ALR Area: 4 ha
Current Land Use: Residential - modular home, shop & barn

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
4.0	Mixed Prime and Secondary	On-Site

Number of Lots	Lot Size (ha)
2	2.0

Surrounding Land Uses:

North 4 ha lot in the ALR
 East Railway right of way, 2 ha lots beyond.
 South 4 ha lot in the ALR
 West 4 ha lot in the ALR

Official Community Plan

Bylaw Name: Fernie Area Land Use Strategy
Designation: Rural Area
OCP Compliance: No

Zoning

Zoning Bylaw Name: Elk Valley Zoning Bylaw
Zoning Designation: RR-4
Minimum Lot Size: 4.0 ha
Zoning Compliance: No

RELEVANT APPLICATIONS

Application #: 46044
Applicant: Bonnie T Krog
Proposal: To subdivide the 2.5 ha property into two lots of roughly equal size, as per the division of the property into an upper and lower bench.

Decisions:**Resolution**

Number	Decision Date	Decision Description
829	September 17, 2009	Allow subdivision as proposed.

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	RDEK planning staff supported the application because it is consistent with ALR development policies of the Fernie Area Land Use Strategy.
Board/Council	Approve	The Regional District of East Kootenay forwarded the application with a recommendation of support.
Advisory Planning Committee	Approve	The APC for Electoral Area A supported the application.

STAFF COMMENTS

Staff suggest that the Commission consider the following:

- 1) The on-site soils analysis by D. Yole, P. Ag. indicates that slightly more than 60% of the property is not arable (CLI class 5 and 6 with limitations of stoniness and seasonal aridity). Therefore he indicates that subdivision would not defer from the real farmable area of this land.
- 2) It is the Commission's experience that 2 ha lots offer a narrower range of agricultural options than do larger lots, and are less likely to be used for agricultural purposes.
- 3) There are many 4 ha lots in the area. If this subdivision is permitted, expectations might be raised that other, similar subdivisions would be permitted.
- 4) The proposal is not consistent with the zoning bylaw, but is supported by the Regional Board, the APC and RDEK staff.

ATTACHMENTS

51148_ContextMap20k.pdf
51148_AirphotoMap20k.pdf
51148 soils map.pdf
Soils report photos, 51148.pdf

END OF REPORT

Signature

Date