



Agricultural Land Commission Staff Report

DATE: June 1, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51653
PROPOSAL: Subdivision

PROPOSAL INFORMATION

Background: To subdivide by the natural division of Pighin Road
To build a retirement home on Lot B, keeping the majority open to local ranchers
for grazing
Received Date: March 17, 2010
Applicant: Richard Parsons, Paula Bedford
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 016-309-987
Legal Description: Sublot 13 District Lot 341 Kootenay District Plan X40
Civic Address: 9039 Pighin Road - Wycliffe area
Area: 63.2 ha
ALR Area: 63.2 ha
Purchase Date: November 17, 1993
Owners: Paula Bedford
Richard Parsons

Total Land Area: 63.2 ha
Total ALR Area: 63.2 ha
Current Land Use: Grazing for horses, cattle and wildlife

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
63.2	Prime Dominant	BCLI

Number of Lots	Lot Size (ha)
1	34.0

1

29.2

Surrounding Land Uses:

North Grazing, forest, grain & ravine
 East Beef cattle, Wycliffe-Cherry Creek Road, grain
 South Crown Land & forest
 West Nature Conservancy & grazing

Official Community Plan

Bylaw Name: Wycliffe LAnd Use Bylaw No. 873, 1989
Designation: Rural Resource (RR-60)
OCP Compliance: Yes

Zoning

Zoning Bylaw Name: There is no zoning bylaw in this area
Zoning Designation: none
Minimum Lot Size: 60.0 ha
Zoning Compliance:

PREVIOUS APPLICATIONS

Application #: 39277
Applicant: Wayne & Sandra Dakgkeusgm
Proposal: To subdivide the property along Pighin Road.

Decisions:
Resolution
Number

Decision Date

Decision Description

Note: The application was refused on the grounds that the Commission expressed concern that a reduction in this property's size could have potential adverse effects on its agricultural future. Furthermore Pighin Road was not seen as a hindrance for farming both sides of the property as a unit.

RELEVANT APPLICATIONS

Application #: 44560
Applicant: Kenneth and Cheryl Johnson
Proposal: To subdivide the 64.2 ha subject property to create one (1) 16.2 ha retirement home site, and a 48 ha remainder containing the productive hay land.

Decisions:
Resolution
Number

Decision Date

Decision Description

138 March 27, 2008 Refused due to good agricultural capability of the property as a unit and because the Commission does not like to introduce smaller parcels into areas with large agricultural properties.

Note: This application was made on the eastern adjacent property.

Application #: 44201

Applicant: J & D Orchards Ltd.

Proposal: To subdivide a 0.4 ha lot from the 8.0 ha subject property under the Homesite Severance Policy.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

480

September 20, 2007

Refused on the grounds that the 0.4 ha homesite would negatively affect the agricultural capability of the remainder. However, the Commission would allow the subdivision of an approximately 0.2 ha homesite lot subject to the standard homesite severance conditions.

Application #: 44035

Applicant: Thomas and Adel MacDonald

Proposal: Subdivision for a Relative: The proposal is to subdivide a 65 ha parcel utilizing geographic, road and existing property lines for subdivision to create 4 lots for family members: a 10 ha lot, two (2) 12 ha lots, and a remainder lot of 30 ha.

Decisions:

**Resolution
Number**

Decision Date

Decision Description

376

July 13, 2007

Refused as proposed.

Committee Recommendations

Type

Recommendation

Description

Planning Staff

Approve

That the application be supported; proposal is consistent with the Wycliffe Land Use Bylaw. supports the application.

Board/Council

Approve

accepted the application as presented.

Agricultural Advisory
Committee

No Comment

Advisory Planning
Committee

Approve

Recommended approval.

STAFF COMMENTS

Staff suggests the Commission consider the following:

- The agricultural capability of the subject property is improvable to Class 3, 4, 5 and 6 with the limitations of stoniness, topography and a combination of two of the following: undesirable soil structure, salts, moisture deficiency or low fertility.
- The applicants have owned the property since October 1993.

-A previous application on the subject property requested the same subdivision and was refused on the grounds that the road does not constitute a barrier to farming the property as a whole. Further the Commission expressed concerns that reducing the size of the property would result in the parcels, especially the one proposed on the east side of the road having its "agricultural options [being] seriously reduced." A copy of the decision letter and minutes is attached to the staff report for further information.

ATTACHMENTS

- 51653 lg report.pdf
- 51653_AgCapabilityMap.pdf
- 51653_ContextMap50k.pdf
- 51653_AirphotoMap20k.pdf
- 51653 proposal.pdf

END OF REPORT

Signature

Date