



Provincial Agricultural Land Commission - Staff Report

Application: 52041

Applicant: 710781 Alberta Ltd. c/o Jody Wiese
Agent: Focus Corporation
Local Government: Regional District of East Kootenay

Proposal: To exclude the 2 ha subject parcel from the ALR for future subdivision and non-agricultural commercial use.

BACKGROUND INFORMATION

The property is one of 34 properties included in the Elk Valley Block Exclusion application (Application #52121) currently before the Commission.

The property is located in the Cunliffe Road - Brenners Road Special Policy Area (SPA #1) addressed in the Elk Valley ALR Review Project report. The report supports exclusion of SPA #1, subject to incorporation into the City of Fernie.

The parcel is also located in a designated urban expansion area in the RDEK Fernie Area Land Use Strategy.

PROPERTY INFORMATION

PID: 016-016-921
Legal Description: Lot 10 District Lot 4139 Kootenay District Plan 802
Property Area: 2.0 ha
ALR Area: 2.0 ha
Purchase Date: October 29, 2010
Location: 6152 Cunliffe Road, Fernie
Owner: 710781 Alberta Ltd. c/o Jody Wiese

LAND USE

Current Land Use:

Rural Residential - the site contains a residence at the north end of the property (off Cunliffe Road) and a workshop/commercial building at the south end (off Brenners Road).

Surrounding Land Uses:

North: Rural residential
East: Rural residential
South: City of Fernie - Industrial/Commercial
West: Agricultural - crops

RELEVANT APPLICATIONS

Application ID: 52121

Applicant: Regional District of East Kootenay

Proposal: ELK VALLEY BLOCK EXCLUSION - It includes 34 properties with a total area of 929.3 ha of which 449.5 ha is located within the ALR.

RELEVANT APPLICATIONS

Application ID: 44565

Legacy #: 37798

Applicant: Brian Bell

Proposal: To subdivide the 1.8 ha subject property that is divided by Dicken Road. To create a residential lot approximately 0.8 ha on the north side and a vacant 1 ha remainder on the south side.

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|---------------|---------------------------------------|
| 244/2008 | May 7, 2008 | Refused due to impact on agriculture. |

Application ID: 25616

Legacy #: 17206

Applicant: Joseph Dominick

Decision:

| Resolution # | Decision Date | Decision Description |
|--------------|------------------|---|
| 32/1984 | January 18, 1984 | Refused. The Commission did not wish to encourage an increase in the number of legal parcels in this agricultural area. |

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Fernie Land Use Strategy

Designation: Urban Expansion

OCP Compliance: Yes

Zoning:

Zoning Bylaw Name: Elk Valley Zoning Bylaw

Zoning Designation: RR-2

Minimum Lot Size: 2.0 ha

Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

The APC for Electoral Area A accepted the application as presented.

Board/Council

RDEK Board supports the application.

ALC STAFF COMMENTS

- The agricultural capability of the parcel is 6:4MF 3:5MP 1:4W (6:3X 3:4MP 1:4W)

- The parcel is 2 ha in size and is located in an area of other approximately 2 ha parcels, some of which are farmed.

- The parcel is located in the Cunliffe Road - Brenners Road Special Policy Area (SPA #1). Exclusion of SPA #1, subject to incorporation into the City of Fernie, is supported in the Elk Valley ALR Review report.

- The parcel is located in a designated urban expansion area in the RDEK Fernie Area Land Use Strategy.

- Two letters of objection have been received from residents of a neighbouring property. The letters raise concerns regarding property ownership (the property was sold during RDEK review of the application) and the posting of the notice on Brenners Road rather than Cunliffe Road. The letters also express concern over a helicopter base that they allege is operating on the site, and the potential for increased noise and disturbance should the exclusion be granted.

END OF REPORT

Prepared by: Lily Ford, June 16, 2011