



Staff Report
Application # L – 37612
Applicant: Henry and Ann Fercho

DATE RECEIVED: August 15, 2007

DATE PREPARED: October 16, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the 32.4 ha subject property for a possible future subdivision on the grounds that the land has poor agricultural capability.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicants note that the east half of the property is hard-pack meadow and hilly. It is very rocky and mainly tree stumps. The west half of the property is timber and made up of benches that lead to a ridge on top directly across from the field where the house is located. There is a small meadow (0.6 ha) at the southern boundary that floods in the spring.

Local Government:

Regional District of East Kootenay (RDEK)

Legal Description of Property:

PID: 016-480-627

The East ½ of District Lot 12242, Kootenay District

Purchase Date:

January 2004

Location of Property:

7750 Ha Ha Creek Forest Road, Mayook Area, northwest of Wardner

Size of Property:

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

Present use of the Property:

Hobby farm with horses and steers, single family home, haybarn, cabin, power shed.

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Timber
SOUTH: Grazing and Timber
EAST: Grazing
NORTH: Leased Woodlot

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/5
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: N/A
Designation: N/A

Zoning Bylaw and Designation:

Zoning: N/A
Designation: N/A
Minimum Lot Size: N/A

PREVIOUS APPLICATIONS:

Application #09161-0

Applicant: L. Grainger
Decision Date: September 14, 1979
Proposal: To locate a temporary sawmill on one of the subject properties.
Decision: Allowed subject to the condition that the mill must be temporary in nature and is to be removed after six months.

RELEVANT APPLICATIONS:

Application #17079-0

Applicant: Lawrence Simon
Decision Date: October 31, 1984
Proposal: To exclude one 65 ha property and 25 ha of another 65 ha property for subdivision into rural parcels approximately each 8 ha in size. The remainder of 40 ha would be retained as a unit and farmed.
Decision: Refused on the grounds that the proposed exclusion and subdivision would create negative impacts upon adjacent agricultural operations and would only serve to encourage similar parcelization of neighbouring lands in the ALR. However, the Commission allowed the exclusion of that part of DL 11763 east of HaHa Creek Road (15 ha) and the subdivision of a portion of DL11763 into two parcels of 20 ha each as split by Betts Road, subject to legal consolidation of eastern remainder of DL 11763 and 11764 to form a 40 ha lot

Application #08649-0

Applicant: Lawrence Belway
Decision Date: August 16, 1979
Proposal: To exclude the 59.5 ha portion of the subject property lying east of the road that bisects the property.
Decision: Refused on the grounds that the portion of the property lying east of the road has capacity for grazing purposes.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDEK Board: Forwarded the application with a recommendation of non-support as insufficient information was provided to evaluate exclusion of the property from the Agricultural Land Reserve

RDEK Staff: Recommend that the application not be supported. The land is unzoned and insufficient information has been provided to evaluate exclusion from the ALR.

Advisory Planning Commission: As the application does not involve a subdivision at this point, it was felt that it was inappropriate for the Commission to make a recommendation.

Agricultural Advisory Commission: Accepted the application as presented. The Commission noted that there is no agricultural value and the property had not been used much for grazing.

STAFF COMMENTS:


Staff suggests the Commission consider the following:

- There is a beef cattle operation on the property to the east. Exclusion and subsequent subdivision of the subject property may have a negative impact on that operation.
- The applicants indicate that the land has poor agricultural capability. They have also indicated that the property is currently used as a hobby farm with horses and steers but have not provided information on the level of agricultural activity or the number of cattle/horses that the land currently supports.
- Information has not been provided as to whether alternate kinds of agricultural operations have been tried on the property since its purchase in 2004.
- A site visit may assist the Commission in determining the agricultural capability of the property and the possible impact on the agricultural operation to the east if exclusion was allowed.

ATTACHMENTS:

- ALC Context Map (1:50,000)
- Air photo (1:10,000)
- Agricultural Capability Map 82G/5 (1:50,000)
- Land use map (provided by RDEK)

END OF REPORT



Signature

Oct 19, 2007

Date