



## Agricultural Land Commission Staff Report

**DATE:** August 7, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 46044  
**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.

### PROPOSAL INFORMATION

**Background:** No previous applications have been considered on the property.  
**Received Date:** June 4, 2009  
**Applicant:** Bonnie T Krog  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 012-152-544  
**Legal Description:** Lot 75, District Lot 4589, Kootenay District, Plan 1299  
**Civic Address:**  
**Area:** 2.5 ha  
**ALR Area:** 2.5 ha  
**Purchase Date:** January 1, 1973  
**Owner:** Bonnie T Krog

**Total Land Area:** 2.5 ha  
**Total ALR Area:** 2.5 ha  
**Current Land Use:** Vacant, cleared property, in pasture

### PROPOSAL DETAILS

**Subdivision**

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

**Number of Lots    Lot Size (ha)**

1	1.2
1	1.3

**Surrounding Land Uses:**

North	2 ha rural residential lots in the ALR
East	2.2 ha mixed farm in the ALR
South	Five 0.2 - 0.8 ha rural residential lots in the ALR
West	McGiverin Rd and railway right of way

**Official Community Plan**

<b>Bylaw Name:</b>	Fernie Area Land Use Strategy
<b>Designation:</b>	Rural Area
<b>OCP Compliance:</b>	No

**Zoning**

<b>Zoning Bylaw Name:</b>	Elk Valley Zoning Bylaw
<b>Zoning Designation:</b>	RR-2
<b>Minimum Lot Size:</b>	2.0 ha
<b>Zoning Compliance:</b>	No

**RELEVANT APPLICATIONS****Application #:** 43928**Applicant:** Joe Caravetta**Proposal:** Subdivide property to create a 2 ha lot and a 3.3 ha residential remainder lot**Decisions:****Resolution**

Number	Decision Date	Decision Description
389	July 13, 2007	Allowed.

**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Approve	Planning staff supported the application because it is consistent with Land Use Strategy Policies.
Board/Council	Approve	Regional District of East Kootenay Board supported the application.
Agricultural Advisory Committee	Approve	The Agricultural Advisory Commission supported the application, indicating there were no real agricultural concerns.
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 property has good agricultural potential. However it is small and is divided by a steep topographic break into two distinct benches.
- 2) A recent 2007 subdivision application on nearby lands of similar agricultural capability was approved.
- 3) The proposal is inconsistent with the zoning bylaw. However proposed parcel sizes are comparable with adjoining properties to the south.
- 4) A property smaller than 2 ha in size tends not to be used for agricultural purposes. Larger parcels offer a broader range of agricultural options.

## **ATTACHMENTS**

39053\_ContextMap20k.pdf

39053\_AirphotoMap.pdf

39053(46044)sketch and soil capability.pdf

## **END OF REPORT**

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**Signature**

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**Date**