



## Agricultural Land Commission Staff Report

**DATE:** October 8, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 50224

**PROPOSAL:** To subdivide a 2 ha lot from two adjoining ranch properties for the applicant's son; DL 1 is 31 ha, DL 2 is 80 ha. The subdivision is so that the son can construct a home on a separate parcel that he owns. The portion of the proposed 2 ha lot not used for the home and yard would continue to be used by the ranch.

### PROPOSAL INFORMATION

**Background:** The landowners purchased the subject properties in 1976, and also own several nearby contiguous parcels - both in and outside the ALR.  
**Received Date:** July 10, 2009  
**Applicant:** Ernie Pighin  
**Agent:** Clint & Cindy Pighin  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 016-422-091  
**Legal Description:** District Lot 2 Kootenay District Except Part Included in RW Plan 8353  
**Civic Address:**  
**Area:** 80 ha  
**ALR Area:** 80 ha  
**Purchase Date:** March 14, 1976  
**Owner:** Ernie Pighin

**PID:** 016-360-931  
**Legal Description:** District Lot 1 Kootenay District, Except (1) Part Included in Explanatory Plan 20074I, (2) Sketch Plan 20655A, (3) Plan DD 19877 AFB Vol 19 FOL 1793 No. 1516K and (4) RW Plan 8353  
**Civic Address:**  
**Area:** 31 ha  
**ALR Area:** 31 ha  
**Purchase Date:** March 14, 1976  
**Owner:**

**Total Land Area:** 111 ha

**Total ALR Area:** 111 ha

**Current Land Use:** A significant portion of the proposed 2 ha lot is irrigated pasture adjacent to the St Mary River. A portion of the property is not used for agriculture.

## PROPOSAL DETAILS

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
111.0	Mixed Prime and Secondary	CLI

### Number of Lots    Lot Size (ha)

1	2.0
1	30.0
1	79.0

### Surrounding Land Uses:

North	St Mary River
East	Irrigated farmland in the ALR
South	Non ALR hillside
West	Irrigated farmland in the ALR

### Official Community Plan

**Bylaw Name:** Cranbrook Rural Official Settlement Plan

**Designation:** Agriculture

**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** Cranbrook Rural Zoning Bylaw 1402

**Zoning Designation:** RR - 60

**Minimum Lot Size:** 60.0 ha

**Zoning Compliance:** Yes

### Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	Planning staff support the application subject to the consolidation of the parent parcels into a single agricultural lot.
Board/Council	Approve	The Regional District of East Kootenay forwarded the application with a recommendation of support, subject to the consolidation of the two farm properties.
Agricultural Advisory Committee	Approve	The AAC recommended approval because it makes sense for the son to live on the farm and own his own piece of property.
Advisory Planning Committee	Approve	The APC for Electoral Area C supports the application.

## **STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) The proposed 2 ha lot is located in the middle of these cultivated, arable farm properties. As long as the rancher's son occupies the property, there will likely be no conflicts with the ranch operation. However, in the long term if the parcel is acquired by a non farmer not associated with the ranch, it is possible that the 2 ha lot would be an intrusion, resulting in the loss of arable farmland from the farm and a potential source of conflict.
- 2) The Regional District recommended that the subject properties be consolidated as a condition of approval for the 2 ha lot. While no rationale is provided, it is surmised that the recommendation is to mitigate the potential negative impacts of subdivision.
- 3) The high cost of consolidating by re-survey two very large properties with natural boundaries (i.e. the St Mary River) makes this condition unlikely to be accepted by the landowner. Alternate options include consolidation by covenant, and/or the inclusion into the ALR of a ~4 ha portion of the adjoining DL 11558 which is a cultivated field in conjunction with the subject lands.

## **ATTACHMENTS**

50224 sketch plan.pdf  
50224 airphoto.pdf  
50224 map.pdf  
50224\_ContextMap20k.pdf

## **END OF REPORT**

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**Signature**

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**Date**