



Agricultural Land Commission Staff Report

DATE: September 10, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Martin Collins

RE: Application # 50403
PROPOSAL: To subdivide the 65 ha property into three lots of roughly equal size for family members.

PROPOSAL INFORMATION

Background: The land has been in the family since the early 1900's. The land is used for grazing of cattle by a local rancher. The owner wants to create two parcels 21.5 ha for his two children, and the remaining parcel for himself
Received Date: August 14, 2009
Applicant: Deborah & Peter Lye
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 016-311-990
Legal Description: Sublot 3 District Lot 340 Kootenay District Plan X40
Civic Address: 3509 Mission-Wycliffe Road
Area: 64.7 ha
ALR Area: 64.7 ha
Purchase Date: April 26, 2001
Owner: Deborah & Peter Lye

Total Land Area: 64.7 ha
Total ALR Area: 64.7 ha
Current Land Use: Cattle grazing - two single family dwellings.

PROPOSAL DETAILS

Subdivision

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

Number of Lots	Lot Size (ha)
3	21.5

Surrounding Land Uses:

North 65 ha grazing parcel -private ownership
East Crown Range - ALR grazing

South Rural Residential lots in the ALR.
West 65 ha hay and grazing parcel.

Official Community Plan

Bylaw Name:
Designation:
OCP Compliance:

Zoning

Zoning Bylaw Name: Wycliffe Rural Land Use Bylaw
Zoning Designation: RR-60 Rural Resource
Minimum Lot Size: 60.0 ha
Zoning Compliance: No

RELEVANT APPLICATIONS

Application #: 42699
Applicant: William F LYE
Proposal: To subdivide a 3.2 ha lot from the 60 ha subject property for the applicant's son.

Decisions:

Resolution Number	Decision Date	Decision Description
745	October 16, 1991	Refuse as proposed on the grounds the land's agricultural integrity should be maintained.

Application #: 25827
Applicant: Wm F & F Lye
Proposal: To subdivide a 4.5 ha lot from the 65 ha property for the applicant's daughter.

Decisions:

Resolution Number	Decision Date	Decision Description
744	June 4, 1979	Refuse as proposed

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Refuse	The RDEK staff does not support the application because the Rockyview OCP is pending. The proposal is not consistent with current policies and could have a negative impact on surrounding agricultural properties.
Board/Council	Approve	The Regional District of East Kootenay Board forwarded the application with a recommendation of support.
Agricultural Advisory Committee	Approve	The AAC believed that the proposed subdivision makes sense because of topography.
Advisory Planning Committee	Approve	The APC for electoral area C supports the proposal.
Electoral Area Director	Approve	Director Gay supports the application as proposed.

STAFF COMMENTS

Staff suggest that the Commission consider the following.

- 1) The subject property is used in conjunction with a larger family farm unit. However, if subdivided, eventually all of the parcels will cease to be held by family members, ensuring that these lands are not used as a common grazing land in conjunction with the farm unit.
- 2) The Commission refused similar subdivision proposals on the adjacent property owned by the Lye family.
- 3) The Regional District Board, Area Director, APC and AAC all support the application. However, Regional District staff do not support the subdivision application because it is inconsistent with bylaw policies.
- 4) Generally reducing parcel size, reduces agricultural options and the likelihood that the land will continue to be used for agriculture.

ATTACHMENTS

50403_ContextMap20k.pdf
50403_AirphotoMap.pdf
50403 sketch plan.pdf

END OF REPORT

Signature

Date