



Agricultural Land Commission Staff Report

DATE: October 28, 2009
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Roger Cheetham, Regional Planner

RE: Application # 50521
PROPOSAL: To subdivide a 130 ha parcel into two, comprising parcels of 87 and 43 ha respectively separated by Ha Ha Creek Road

PROPOSAL INFORMATION

Background: The subdivision is for farm succession and retirement planning
Received Date: September 11, 2009
Applicant: Mayook Valley Ranch Ltd.
Agent: Don Morrison
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 011-406-917
Legal Description: DL 5982, Kootenay District
Civic Address:
Area: 129.5 ha
ALR Area: 129.5 ha
Purchase Date: January 1, 1983
Owner: Mayook Valley Ranch Ltd.

Total Land Area: 129.5 ha
Total ALR Area: 129.5 ha
Current Land Use: Operating ranch including crops, grazing and wintering beef cattle

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
129.5	Secondary	CLI

Number of Lots	Lot Size (ha)
1	42.9
1	86.6

Surrounding Land Uses:

North crown land - christmas tree permit/crown range
East private land - timbered pasture land
South half crown land (woodlot) half private land, single family dwelling
West private land, single family dwelling

Official Community Plan

Bylaw Name:
Designation:
OCP Compliance:

Zoning

Zoning Bylaw Name:
Zoning Designation:
Minimum Lot Size: ha
Zoning Compliance:

RELEVANT APPLICATIONS

Application #: 25834

Applicant: Lawrence & Gayle MacKenzie

Proposal: To subdivide a 50.2 ha parcel into two parcels 40.9 and 9.3 ha respectively, separated by a road

Decisions:

Resolution Number	Decision Date	Decision Description
1145	March 11, 1982	Allowed

Note: The Commission considered that the road formed the correct boundary for the ALR the 9.3 ha parcel comprising steep slopes

Application #: 25743

Applicant: F & H Krebs

Proposal: The application was for a mobile home to accommodate the applicant's parents.

Decisions:

Resolution Number	Decision Date	Decision Description
1146	March 22, 1979	Approved subject to the mobile home being occupied by the applicant's parents

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	Supported as presented
Agricultural Advisory Committee	Approve	Application supported
Advisory Planning Committee	Approve	Approved as presented

STAFF COMMENTS

As the applicants took title to the property in 1983 they do not qualify for consideration under the Commission' s Homesite Policy.

The following considerations are pertinent:

- The impact of Ha Ha Creek Road on the ability of the applicants to gain access and farm the two portions of the property bearing in mind the limited amount of traffic carried by the road.
- The benefit or impact on agriculture in the longer term bearing in mind one of the reasons for the proposed subdivision is to help estate planning.
- The appropriate size of subdivisions in the area having regard to agricultural capability and potential, the type of farming for which the area is suited and the availability of parcels of suitable size.
- The long term implications for agriculture of permitting a subdivision in terms of setting a precedent for other subdivisions.

ATTACHMENTS

50521_ContextMap20k.pdf
50521_AgCapabilityMap.pdf
50521_AirphotoMap.pdf
50521_ContextMap50k.pdf

END OF REPORT

Signature

Date