



## Agricultural Land Commission Staff Report

**DATE:** December 16, 2009  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 50996

**PROPOSAL:** To subdivide a 16 ha lot from the 54 ha property for the applicant's brother. The brother is recently divorced and wants to return to land that he grew up on with his children.

### PROPOSAL INFORMATION

**Background:** The Commission previously allowed the subdivision of an 8 ha lot from the property subject to consolidation of two ranch parcels by binding titles. See  
**Received Date:** below for details.  
**Applicant:** November 12, 2009  
**Agent:** Brian & Carol Jeske  
**Local Government:** N/A  
Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 011-039-884  
**Legal Description:** District Lot 11623 Kootenay District, Except Part Included in Plans 12818 and NEP22123  
**Civic Address:** 8826 Pighin Road in Lone Pine area  
**Area:** 53.7 ha  
**ALR Area:** 53.7 ha  
**Purchase Date:** June 18, 1988  
**Owner:** Brian & Carol Jeske

**Total Land Area:** 53.7 ha  
**Total ALR Area:** 53.7 ha  
**Current Land Use:** Residence; Shop for Mechanics Business, seasonal grazing land, lightly forested

### PROPOSAL DETAILS

**Subdivision**

Area	Agricultural Capability	Agricultural Capability Source
54.0	Secondary	CLI

Number of Lots	Lot Size (ha)
1	16.0
1	38.0

**Surrounding Land Uses:**

North	1/4 section, dryland grazing and hayfield
East	Large grazing parcels in the ALR
South	Large grazing parcels in the ALR
West	Large grazing parcels in the ALR

**Official Community Plan**

**Bylaw Name:** Kimberly Rural OCP  
**Designation:** RR Rural Resource  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** Bylaw 1925  
**Zoning Designation:** RR-60  
**Minimum Lot Size:** 60.0 ha  
**Zoning Compliance:** No

**PREVIOUS APPLICATIONS**

**Application #:** 8646

**Applicant:** Robert Jr. Findlay

**Proposal:** To subdivide a 20 acre parcel from the 153 acre property.

**Decisions:****Resolution**

Number	Decision Date	Decision Description
8432	March 30, 1978	Allowed subject to the remainder being consolidated by survey or covenant with DL 11624.

**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Refuse	RDEK planning staff recommend that the application be refused because it is inconsistent with the OCP and zoning bylaw.
Board/Council	Approve	The Regional District East Kootenay Board of Directors forwarded the application with a recommendation of support.

**STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) Parcels that are used for dryland grazing maintain the greatest agricultural potential when kept as large as possible.
- 2) A 16 ha parcel would likely not be used for agriculture because of size would limit grazing potential. It is unlikely that the proposed 16 ha lot could be improved for irrigated forage production.
- 3) The soil capability ratings for the property indicate that the land has very limited potential for agriculture (Class 6T).
- 4) Previously the Commission only permitted subdivision from the parcel subject to an offsetting benefit for agriculture - i.e. consolidation of two large ranch parcels.

## **ATTACHMENTS**

50996\_AirphotoMap.pdf  
50996\_ContextMap20k.pdf  
50996 sketch.pdf

## **END OF REPORT**

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**Signature**

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**Date**