



## Agricultural Land Commission Staff Report

**DATE:** February 4, 2010  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 51149  
**PROPOSAL:** To exclude the 13.1 ha ALR portion of the 21.7 ha property from the ALR

### PROPOSAL INFORMATION

**Background:** The Commission allowed the exclusion of ~7 ha of the property in 2009 to enable a 10 lot rural residential subdivision. See application L-38730.  
**Received Date:** December 10, 2009  
**Applicant:** Goat Holdings Ltd. Inc. No. BC0821265  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 027-982-076  
**Legal Description:** Lot A District Lot 7794 Kootenay District Plan NEP89487  
**Civic Address:** 4399 Lakeview Drive in the Jim Smith Lake area  
**Area:** 21.7 ha  
**ALR Area:** 13.1 ha  
**Purchase Date:** April 25, 2008  
**Owner:** Goat Holdings Ltd. Inc. No. BC0821265

**Total Land Area:** 21.7 ha  
**Total ALR Area:** 13.1 ha  
**Current Land Use:** Residential acreage (House, shed, shop)

### PROPOSAL DETAILS

#### Exclusion

Area	Agricultural Capability	Agricultural Capability Source
13.1	Secondary	CLI

**Surrounding Land Uses:**

North Crown Land (Vacant)  
East Jim Smith Lake and vacant large parcels outside the ARL  
South Crown Land (Vacant)  
West Vacant 2 ha non ALR parcels (subdivided in 2009)

**Official Community Plan**

**Bylaw Name:** Cranbrook Rural OCP  
**Designation:** AG Agriculture  
**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** Cranbrook Rural Zoning Bylaw  
**Zoning Designation:** RR-4 Rural Residential  
**Minimum Lot Size:** 4.0 ha  
**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 45671  
**Applicant:** Goat Holdings Ltd. Inc. No. BC0821265  
**Proposal:** To exclude 1.9 ha and 5.3 ha respectively from the 21.1 ha a and 24.4 ha properties. Also part of the application are two sections of proposed road and road dedication.

**Decisions:**

Resolution Number	Decision Date	Decision Description
23	February 10, 2009	Allowed.

**Committee Recommendations**

Type	Recommendation	Description
Planning Staff	Approve	RDEK planning staff supported the proposal.
Board/Council	Approve	The Regional District of East Kootenay Board of Directors forwarded the exclusion application with a recommendation of support.
Agricultural Advisory Committee	Approve	The Agricultural Advisory Commission recommended approval for the exclusion.
Advisory Planning Committee	Approve	The APC for Area C supports the exclusion.

**STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) The 13 ha area is the only ALR in the Jim Smith Lake area.
- 2) Portions of the land are cleared and used for pasture/grazing. However, the property soils have a CLI rating ranging from Class 4-6, with limitations of stoniness and rough topography.
- 3) The Commission excluded ~7 ha of forested land on the property for a 10 lot rural residential

subdivision in Feb. 2009.

4) The Regional District Board, AAC, APC and Planning staff all support the proposed exclusion.

5) The Jimsmith Lake Community Association has written a letter dated November 12, 2009 recommending that the Commission deny the application. The Association indicates that the land is agriculturally productive and has been used for agriculture in the past. Also, the Association believes that exclusion and additional residential development will place excessive pressure on the lake riparian zone.

## **ATTACHMENTS**

sketch plan 51149.pdf

51149\_ContextMap10k.pdf

51149\_AirphotoMap10k.pdf

## **END OF REPORT**

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**Signature**

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**Date**