



# Agricultural Land Commission Staff Report

**DATE:** March 2, 2010  
**TO:** Vice Chair and Commissioners - Kootenay Panel  
**FROM:** Martin Collins

**RE:** Application # 51593  
**PROPOSAL:** To subdivide a 0.6 ha lot from the 11.7 ha property as divided by Pighin Road. The 0.6 ha lot is for a relative.

## PROPOSAL INFORMATION

**Background:** The Commission previously (in 2008) refused the same subdivision on the grounds it did not want to create another small lot in the area.  
**Received Date:** February 16, 2010  
**Applicant:** George and Jean Terpsma  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

## DESCRIPTION OF LAND

**PID:** 016-021-398  
**Legal Description:** District Lot 10843, Kootenay District, Except Part shown outlined in red on Reference Plan 99888I  
**Civic Address:** 8621 Pighin Road, Kimberley Rural Area  
**Area:** 11.7 ha  
**ALR Area:** 11.7 ha  
**Purchase Date:** August 16, 1990  
**Owner:** George and Jean Terpsma

**Total Land Area:** 11.7 ha  
**Total ALR Area:** 11.7 ha  
**Current Land Use:** Single family dwelling, outbuildings for storage of hay, wood, ~ 0.8 ha cultivated Saskatoon berry crop, treed pasture for goats and horses

## PROPOSAL DETAILS

### Subdivision

Area	Agricultural Capability	Agricultural Capability Source
11.7	Secondary	On-Site

**Number of Lots**    **Lot Size (ha)**

1 0.6  
1 11.1

### Surrounding Land Uses:

North ~ 4ha rural residence in the ALR  
East Vacant, non-irrigated hay field/pasture - 32 ha and 65 ha parcels.  
South Non-irrigated, vacant pasture owned by the Land Conservancy of BC  
West Two rural residential properties, of ~4 ha and and 12 ha in the ALR

### Official Community Plan

**Bylaw Name:** Kimberly OCP Rural Zoning Bylaw #1924  
**Designation:** Rural Resource  
**OCP Compliance:** Yes

### Zoning

**Zoning Bylaw Name:** Kimberly Rural Zoning Bylaw #1925  
**Zoning Designation:** RR-60  
**Minimum Lot Size:** 60.0 ha  
**Zoning Compliance:** Yes

## PREVIOUS APPLICATIONS

**Application #:** 44725

**Applicant:** George and Jean Terpsma

**Proposal:** Subdivision for a Relative: To subdivide the 12.1 ha subject property to create a 0.6 ha lot on the north side for a family member leaving an 11.5 ha farm parcel on the south side for the owners.

### Decisions:

**Resolution  
Number**

**Decision Date**

**Decision Description**

116

March 27, 2008

Refused due to the Commission's aversion to creating small residential lots within agricultural areas.

**Note:** This application is requesting the same subdivision as the current application.

## RELEVANT APPLICATIONS

**Application #:** 20023

**Applicant:** Harold & Barbara Reeves

**Proposal:** To subdivide the 16 ha property along Pighin Road into one 4.4 ha lot and a 11.6 ha remainder.

**Decisions:**

**Resolution****Number**

614

**Decision Date**

November 14, 2002

**Decision Description**

Allowed subdivision along road as proposed.

**Note:**

This application affected the adjoining property to the west.

**Committee Recommendations****Type**

Board/Council

**Recommendation**

Approve

**Description**

The Regional District of East Kootenay board forwarded the application with a recommendation of support.

Advisory Planning Committee

Approve

The Electoral Area E APC supports the proposed subdivision.

Electoral Area Director

Approve

Area Director Norm Walter supports the application.

**STAFF COMMENTS**

Staff suggest that the Commission consider the following:

- 1) A previous application for an identical subdivision was refused in 2008 because of concerns about intrusion of residential lots into this farm area. The decision was appealed, but refused reconsideration.
- 2) The soils report submitted with the application, by David Yole (P. Ag) indicates that the Class 4 PM Canada Land Inventory rating for the property is accurate. The limiting subclasses are stoniness and seasonal moisture deficiency.
- 3) The local government, APC and Area Director support the application. The property does not require rezoning because the bylaw permits subdivision into lot sizes smaller than the minimum permitted if divided by a road. Furthermore the application is being proposed as per Section 946 of the Local Government Act - subdivision for a relative.
- 4) The Commission allowed the subdivision of the adjoining property to the west as divided by Pighin Road in 2002. However the resulting lots were larger (4 ha and 12 ha) than the proposed lots in this application (0.6 ha and 11 ha)
- 5) The applicant indicates income from the sale of the lot will be used to improve and expand the existing Saskatoon berry operation.
- 6) Staff recommends that a site visit be undertaken to assess impact of proposed subdivision on the subject property and surrounding lands in the ALR.

**ATTACHMENTS**

51593 airphoto map.pdf

51593 applicant's rationale.pdf

51593 ALC map.pdf

51593 sketch plan.pdf

**END OF REPORT**

**Signature**

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**Date**

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