



## Agricultural Land Commission Staff Report

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

**RE:** Application # 51595  
**PROPOSAL:** Exclusion/ Inclusion. To exclude 1.1 ha from the ALR and include 1.1 ha into the ALR. The purpose of the exclusion is to shorten and reduce the cost of the cul-de-sac road access to the non ALR portion of the property.

### PROPOSAL INFORMATION

**Background:** only ~12 ha of the 50 ha property lies within the ALR. The proposed exclusion/inclusion would result in a 12 ha lot within the ALR and a 38 ha lot outside the ALR.

**Received Date:** February 16, 2010  
**Applicant:** Daniel Ayars  
**Agent:** N/A  
**Local Government:** Regional District of East Kootenay

### DESCRIPTION OF LAND

**PID:** 011-469-994  
**Legal Description:** Lot 10, District Lot 6393 and 11707, Kootenay District, Plan 1411  
**Civic Address:** 1643 Dicken Road, Fernie  
**Area:** 50 ha  
**ALR Area:** 0 ha  
**Purchase Date:** April 16, 1992  
**Owner:** Daniel Ayars

**Total Land Area:** 50 ha  
**Total ALR Area:** 0 ha  
**Current Land Use:** Farm - grazing, mobile home, haying, shed & barn

### PROPOSAL DETAILS

#### Exclusion

| Area | Agricultural Capability | Agricultural Capability Source |
|------|-------------------------|--------------------------------|
| 1.1  | Secondary               | CLI                            |

**Surrounding Land Uses:**

North Improved farmland farmland in the ALR.  
East Hay Field, Dicken Road, small acreages  
South Small residential lots in the ALR  
West Crown land/ grazing lease / forested mountainside

**Official Community Plan**

**Bylaw Name:** Fernie Land Use Strategy

**Designation:** Rural

**OCP Compliance:** Yes

**Zoning**

**Zoning Bylaw Name:** Elk Valley zoning bylaw

**Zoning Designation:** RR-8

**Minimum Lot Size:** 8.0 ha

**Zoning Compliance:** Yes

**PREVIOUS APPLICATIONS**

**Application #:** 42309

**Applicant:** Daniel Ayars

**Proposal:** To dedicate a road right-of-way to provide access to 2 parcels

**Decisions:**

**Resolution**

| Number | Decision Date    | Decision Description   |
|--------|------------------|--|
| 570    | October 12, 2005 | Allow proposal to dedicate 0.41 ha to provide access to two non-ALR parcels. |

**Committee Recommendations**

| Type                            | Recommendation | Description  |
|---------------------------------|----------------|--|
| Board/Council                   | Approve        | The Regional District of East Kootenay forwarded the application with a recommendation of support.                 |
| Agricultural Advisory Committee | Approve        | The AAC had no objection to the exclusion proposal.  |
| Advisory Planning Committee     | Approve        | The Advisory Planning Committee for electoral area A and the Area Director Mike Sosnowski support the application. |

**STAFF COMMENTS**

Staff suggests that the Commission consider the following:

- 1) The applicant proposes no net loss of ALR.
- 2) The area proposed for exclusion is unimproved forested land, which has topographic challenges for agricultural development.
- 3) The local government, Regional Director and other land use planning committees, including the Agricultural Advisory Committee support the application.
- 3) The Commission approved the access road in 2005. However, the development has been held up

because of the high cost of the road due to rough topography and its length.

## **ATTACHMENTS**

51595 airphoto.pdf  
51595 ALR map.pdf  
51595 sketch map.pdf  
L-36235 Approval sketch.pdf

## **END OF REPORT**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**