Agricultural Land Commission
Staff Report

DATE: June 2, 2010
TO: Vice Chair and Commissioners - Kootenay Panel
FROM: Jennifer Carson

RE: Application # 51651
PROPOSAL: Subdivision - Homesite Severence Policy

PROPOSAL INFORMATION

Background: Create one 0.3 ha lot to facilitate the retirement of the owners. Owners wish to sell the farm and golf course business to their sons
Received Date: March 17, 2010
Applicant: Filmer & Nona Coy
Agent: N/A
Local Government: Regional District of East Kootenay

DESCRIPTION OF LAND

PID: 016-408-047
Legal Description: Sublot 1 District Lot 344 Kootenay District Except Part Included in Plan 4411
Civic Address: Columere Park
Area: 64.2 ha
ALR Area: 64.2 ha
Purchase Date: March 19, 1946
Owner: Filmer & Nona Coy

Total Land Area: 64.2 ha
Total ALR Area: 64.2 ha
Current Land Use: Par 3 Golf Course - 6 ha - with Club House, parking, residence and trailer

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
64.2	Mixed Prime and Secondary	BCLI

Number of Lots	Lot Size (ha)
1	0.3
1	63.9

Surrounding Land Uses:

North	Trailer Park under construction - Farm
East	Fairmont Springs Resort, undeveloped, and Columere Park Subdivision
South	Subdivision
West	Crown land

Official Community Plan

Bylaw Name: Fairmont Hot Springs Area OCP Bylaw No. 1734, 2004
Designation: Rural Resource (RR)
OCP Compliance: No

Zoning

Zoning Bylaw Name: Upper Columbia Valley Zoning Bylaw No. 900, 1992
Zoning Designation: Rural Residential & Resort Recreation Zone
Minimum Lot Size: 0.5 ha
Zoning Compliance: Yes

PREVIOUS APPLICATIONS

Application #: 39420
Applicant: Filmer Coy
Proposal: To utilize the 6.0 ha portion of the applicants' ranch to construct a 9 hole, par 3 golf course for use June 1st - September 30th. The area will be continued for calving use February 1st to May 1st every year.
Decisions:

Resolution Number	Decision Date	Decision Description

Application #: 25590
Applicant: Filmer R Coy
Proposal: To subdivide the 64.5 ha property along an existing road in order to create a parcel of 24.5 ha and a parcel of 40 ha,
Decisions:

Resolution Number	Decision Date	Decision Description

Application #: 25192
Applicant: F R Coy
Proposal: To exclude the 118.6 ha property from the ALR.
Decisions:

Resolution Number	Decision Date	Decision Description

Application #: 21782
Applicant: Filmer & Nona Coy
Proposal: Remove 150,000 cubic metres up to a depth of 30 metres of soil for gravel sales within an area of 0.8 ha.
Decisions:

Resolution Number	Decision Date	Decision Description
1623	August 19, 1982	Allowed with conditions

Committee Recommendations

Type	Recommendation	Description
Planning Staff	Approve	The application be supported subject to the new parcel being a minimum of 0.4 ha, which is consistent with the SH-1, Small Holding Residential zoning designation.
Board/Council	Approve	Supports the application subject to the new parcel being a minimum of 0.5 ha.
Advisory Planning Committee	Approve	Support the proposed subdivision provided the parcel size is at least 0.5 ha.

STAFF COMMENTS

Staff suggests the Commission consider the following:
-The agricultural capability of the subject property is improvable to Class 2, 4, 5 and 6 with the limitations of combination of soil factors, stoniness and topography.
-There have been numerous applications on the subject property. The first (#11142) was an exclusion application in 1980 which was refused on the grounds that the “subject property has good potential for continued agricultural utilization and should therefore be retained within the ALR. The second application (15345) requested gravel extraction on 0.8 ha of the subject property and was approved subject to reclamation. The third application (15624) resulted in a subdivision approval to create a parcel of 24.5 ha and 40.0 ha as divided by the road. This approval was made in lieu of any possible consideration under the homesite severance policy.
The fourth application (#20873) allowed a golf course to be constructed for seasonal use (May 1-September 30th) when the area is not utilized for calving as it is annually from February 1st to May 1st.
-While the applicant is making the subdivision application under the homesite severance policy it is apparent that approval for subdivision has already been granted. The applicants indicate in their letter that should the current proposed subdivision be approved they will forgo the previous subdivision approval. It is noted, however, that the subject property has been reduced in size from its parent parcel since the inception of the ALR.
-In the local government staff report, discussions on the size of the proposed parcel is included, in order for the parcel to meet local government zoning, 0.4 ha is recommended, while the Board and APC indicate that they would prefer a 0.5 ha parcel. Furthermore discussions regarding the Health Officer indicate that the parcel may have to be 1.0 ha before they would allow the parcel to be created. As such the Commission may request that the parcel be as small as possible and no greater than 1.0 ha.

ATTACHMENTS

51651_ContextMap20k.pdf
51651_AirphotoMap20k.pdf
51651_AgCapabilityMap.pdf
51651 proposal.pdf
51651 lg report.pdf

END OF REPORT

Signature **Date**