



# Provincial Agricultural Land Commission - Staff Report

## Application: 51904

**Applicants:** Peter & Susan Merchant, Reto & Susan Barrington  
**Agent:** Ekman Land Surveying Ltd  
**Local Government:** Regional District of East Kootenay

**Proposal:** To subdivide the existing 2.9 ha parcel into 4 lots of approx. 0.4 ha and a remainder of approximately 0.9 ha.

## BACKGROUND INFORMATION

The Baynes Lake area is currently unzoned and not covered by any RDEK long range strategic plans. The Commission wrote a letter dated May 14, 2010 to Heath Slee, Director of Electoral Area B, in response to the reconsideration of ALC file #38757 (application to subdivide land in Baynes Lake). In the letter the Commission acknowledged its strong support for the planning process for Baynes Lake. In addition, the Commission stated that it will defer decision making on applications in the Baynes Lake area to allow the Regional District to complete the planning process "provided that the process is concluded in a timely manner."  
In discussion on this matter with Robert Veg, Planner for the RDEK, they are in the drafting stages of the Baynes Lake OCP. They are anticipating on having draft policies reviewed by an advisory group in early November and are targeting presenting the draft policies to the public in November/December. A news letter advising of the public workshops held over the spring and summer is enclosed.

## PROPERTY INFORMATION

**PID:** 015-806-332  
**Legal Description:** Lot 2 Block 80 District Lot 132 Kootenay District Plan 1181  
**Property Area:** 2.8 ha  
**ALR Area:** 2.8 ha  
**Purchase Date:** January 15, 2007  
**Location:** Baynes Lake - 1759 Waldo Road  
**Owners:** Peter & Susan Merchant, Reto & Susan Barrington

## LAND USE

**Current Land Use:**  
Rural residential use.

**Surrounding Land Uses:**

North: Recreation/Residential Parcels  
0.25 ha - 1.2 ha in size  
East: Small Holdings 2-6 ha  
South: Crown/Lake Kooconusa/ Elk River  
West: Crown / Lake Kooconusa

## PROPOSAL DETAILS

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Subdivision - ALR Area: 2.8 ha

Number of Lots	ALR Area of Lot (ha)
4	0.4
1	1.2

### Agricultural Capability:

The majority of the area under application is rated as: Secondary

Source: CLI

Mapsheet: 82G.014

## RELEVANT APPLICATIONS

Application ID: 45701

Legacy #: 38757

Applicant: Brendan Kerr

Proposal: To subdivide the 1.5 ha property into two equal parts of 0.75 ha.

### Decisions:

Resolution #	Decision Date	Decision Description
2366/2010	March 24, 2010	Allow as proposed.
156/2009	April 30, 2009	Refused - Less agricultural opportunity with smaller parcels

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

Bylaw Name: N/A

Designation: N/A

### Zoning:

Zoning Bylaw Name: N/A

Zoning Designation: N/A

### Comments and Recommendations:

#### Advisory Planning Committee

To defer consideration as per May 2010 ALC decision to defer applications in the Baynes Lake area pending completion of the Bynes Lake planning process.

#### Agricultural Advisory Committee

The Agricultural Advisory Commisison supports the application as presented as it surrounded by similar sized residential property and there are no agricultural concerns.

#### Board/Council

The RDEK Board reviewed this application at its meeting on August 6, 2010. After consideration, the Board adopted Resolution #41696. "The residents of Kragmont are still engaged in discussions regarding the character of their community, the results of which will be reflected in the new OCP. In the meantime the RDEK is obligated to forward the application to the ALC."

## ALC STAFF COMMENTS

- The applicant has requested that the Commission consider this application at this time and not defer its review until completion of the planning process for the Baynes Lake area.
- Over the past few years the Baynes Lake area has seen an increase in development pressure. In response to this increased pressure, members of the community have expressed their desire for a planning process for the area.
- The RDEK Board authorized proceeding with a planning process for the Baynes Lake area in September 2009.
- The RDEK Planner, Robert Veg, MCIP, indicated they are currently in drafting stages of the Baynes Lake OCP, and are anticipating on having draft policies reviewed by their advisory group early November and are targeting

## **ALC STAFF COMMENTS**

presenting the draft policies to the public in November/December.

## **ATTACHMENTS**

51904\_ContextMap20k.pdf  
51904\_AgCapabilityMap.pdf  
51904\_AirphotoMap10k.pdf  
51904letter.pdf  
51904ocpreview.pdf  
51904applicinfo.pdf

## **END OF REPORT**

**Prepared by:** Ron Wallace, October 13, 2010