



Provincial Agricultural Land Commission - Staff Report

Application: 52040

Applicant: IDEAL Society
Agent: Gilles Hainault
Local Government: Regional District of East Kootenay

Proposal: SUBDIVISION - to subdivide a 1.0 ha parcel from DL 5807 and to request the ALC to release the restrictive covenant that binds DL 8541 to the applicant's 4 other titles to allow the sale of DL 8541.

BACKGROUND INFORMATION

The applicant own 5 land titles that are bound by Restrictive Covenants that were required by the ALC as a condition of its approval of the development of the property for a guest ranch/teaching college in 1994 and 1996. The Applicant wants to sell two parcels to eliminate debt and invest in producing lands and is willing to consider new conditions for the Restrictive Covenants on the remaining 152 ha of land

PROPERTY INFORMATION

PID: 007-662-459
Legal Description: Parcel B (Explanatory Plan 15003D) District Lot 5807 Kootenay District, Except Part Included in Plan 14247

Property Area: 56.5 ha
ALR Area: 56.5 ha
Purchase Date: July 30, 2010
Location: 7500 Jaffray Baynes Lake Road
Owner: IDEAL Society

PID: 016-449-380
Legal Description: District Lot 8541 Kootenay District, Except Part Included in Plans 2159, 4612, 6028, 7758 and NEP20559

Property Area: 34.9 ha
ALR Area: 34.9 ha
Purchase Date: July 30, 2010
Location: 7500 Jaffray Baynes Lake Road
Owner:

Total Land Area: 91.4 ha
Total ALR Area: 91.4 ha

LAND USE

Current Land Use:

IDEAL Society operates as a farm with organic produce, fruit trees and an apiary. Goats, poultry and horses are also raised. 8 ha is used for grazing horses and llamas. The East portion has been logged and is not being used. DL 5807 B at its north end is isolated and has an existing mobile home with water, septic, gas and electricity

Surrounding Land Uses:

North: Residential / Grazing and agriculture
East: Agriculture & grazing
South: Residential & grazing / Sawmill & residential
West: Residential & grazing

PROPOSAL DETAILS

Subdivision - ALR Area: 91.4 ha

Number of Lots	ALR Area of Lot (ha)
1	55.5
1	1.0

Agricultural Capability:

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

Source: CLI

Mapsheet: 82G/6

PREVIOUS APPLICATIONS

Application ID: 2381

Legacy #: 29066

Applicant: Rene' Gamache

Proposal: To develop a teaching farm and guest ranch for students/guests (Ideal Guest Ranch) and build 6 dwellings to accommodate joint owners, dormitories, medical facility, art workshop chalets etc. and the balance of land will be developed into mixed agriculture

Decisions:

Resolution #	Decision Date	Decision Description
22/2011	May 16, 1996	Approved subject to binding of title of Lot A with the four other properties bound in terms of Resolution Number 782/1994.
782/1994	August 10, 1994	Allow with consolidation of 4 parcels by binding of title and the clustering of buildings. The proposal will diversify agricultural production and provide a positive example of multifaceted agriculture for the depressed area

LOCAL GOVERNMENT INFORMATION

Comments and Recommendations:

Advisory Planning Committee

The application accepted as presented.

Agricultural Advisory Committee

Supports the application as presented. No concerns with the 2 acre subdivision as it is already in use and somewhat separate. The value of restrictive covenants is questioned.

Board/Council

The Board supports the creation of a 1 ha parcel and the release of DL 8541 from the restrictive covenant.

Electoral Area Director

At the October meeting, the APC and AAC deliberated further and were collectively of the opinion that the IDEAL community is doing their very best to make their farm operation continue to mature. By refusing to support this ALR application there was concern that the community could potentially be in jeopardy of financial default. Both Commissions felt it would be in the best interest of the IDEAL Society to allow this subdivision to take place. The Director supports the views of both Commissions and recommends that this application proceed to the ALC with the support of the RDEK.

ALC STAFF COMMENTS

It is recommended that the Commission consider the following:

- The development approved under ALC Resolutions 782/1994 and 404/1996 appears to be proceeding slowly and most of the facilities shown on the master plan dated 20th March 1996, (the plan will be available at the meeting) including the proposed dormitory, reception centre, health and wellness centre, have yet to be developed. Nevertheless the approval is still current and the way is open for the applicants to proceed with the development

ALC STAFF COMMENTS

shown on the master plan as circumstances allow.

- The proposed 1 ha. subdivision of DL 5807 is located in an area of generally similar sized subdivisions, the ones across Jaffrey Baynes Lake Road being located outside the ALR. This portion of DL 5807 is flatter than the bulk of DL 5807 to the south and has soil capability ratings of 80% Class 4 and 20% Class 3 with soil moisture deficit limitations. The master plan for the development of the property does not envisage any buildings or specific agricultural activity on this portion of the property. It has been developed with a mobile home to which services have been provided.

- The release of DL 8451 from the restrictive covenant tying it to the other subdivisions that comprise the farm would not appear to have a major impact on the development proposals approved in terms of Resolutions 782/1994 and 404/199, the Master Plan showing only a small portion of the property as being intended for use as a pasture.

- The Regional Board, Electoral Area Director, AAC, APC and the RD staff all support the proposal.

- A site visit and meeting with the applicant will help to clarify some of the issues relating to the development . These include the applicant' s progress in implementing the master plan and future development intentions including a time frame for the development and any changes that it is intended to make to the plan. The application suggest that the sale of the two properties is motivated by debt and it is intended to use the proceeds to invest in the farm. The Commission may wish to obtain more detailed information relating to the proposed investment and the possible benefits for agriculture that may be derived from such investment.

ATTACHMENTS

52040_AgCapabilityMap.pdf

52040_ContextMap50k.pdf

52040_AirphotoMap20k.pdf

52040 sketch plan.pdf

END OF REPORT

Prepared by: Roger Cheetham, Regional Planner