



Provincial Agricultural Land Commission - Staff Report

Application: 52211

Applicant: Fernie One Outfitters, Ltd
Local Government: Regional District of East Kootenay

Proposal: To exclude a 1.9 ha parcel from the ALR.

BACKGROUND INFORMATION

The property is located in the Anderson Road subarea, which was one of the areas addressed in the Elk Valley ALR Review Project. The ALR review focussed on the western portions of the Anderson subarea, which contain significant slope restraints and poor agricultural capability. It noted that lower areas east of Anderson Road had higher capability ratings [2X and 4MT (3T)] and were being farmed. The subject property is located east of these productive areas, in a band of hilly land with a capability of 6T.

The review identified three options for the subarea; Options 1 and 2 recommended exclusion only of the steep western portion of the subarea; Option 3 recommended exclusion of the entire subarea, on the basis that the entire subarea is designated as an urban expansion area in the RDEK Fernie Land Use Strategy. In February 2010, the Commission generally supported the areas proposed for exclusion in the review report, and recommended that RDEK proceed with a block exclusion/inclusion application based on the areas identified in the review.

The subject property is not included in the block exclusion application currently before the Commission (Application #52121).

PROPERTY INFORMATION

PID: 009-360-042
Legal Description: Lot 7 District Lot 5237 Kootenay District Plan 1280
Property Area: 1.9 ha
ALR Area: 1.9 ha
Purchase Date: October 4, 2010
Location: 2131 Highway 3, West Fernie
Owner: Fernie One Outfitters, Ltd

LAND USE

Current Land Use:

The subject property contains a residence, storage shed, and a log cabin that is operated as home-based, fly fishing outfitter and guiding business. A dirt driveway from Highway 3 provides access to the residence, and an unpaved circular drive along the highway provides parking for the outfitter business. The eastern half of the property is forested.

Surrounding Land Uses:

North: 2 ha rural residential lot in the ALR
East: Highway 3, Mount View Park, Elk River
South: 2 ha rural residential lot in the ALR
West: 2 ha mixed farming and rural residential in the ALR

PROPOSAL DETAILS

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Exclusion Area: 1.9 ha

Agricultural Capability:

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

Source: CLI

Mapsheet: 82 G/6

RELEVANT APPLICATIONS

Application ID: 52121

Applicant: Regional District of East Kootenay

Proposal: ELK VALLEY BLOCK EXCLUSION - It includes 34 properties with a total area of 929.3 ha of which 449.5 ha is located within the ALR.

Application ID: 50692

Applicant: Michael Sosnowski

Proposal: To place 2,000 m3 of sand on a 0.2 ha portion of the 1.5 ha subject property for a duration of 2-3 years for use by owner's son for his winter sanding business.

Decision:

Resolution #	Decision Date	Decision Description
1289/2009	November 3, 2009	Allow as proposed.

Application ID: 44345

Legacy #: 37627

Applicant: Belay Enterprise Ltd

Proposal: To exclude the 49 ha subject property to facilitate the development of an eco-sensitive residential neighbourhood.

Decision:

Resolution #	Decision Date	Decision Description
643/2007	November 1, 2007	Approved exclusion except bottom 0.8 ha of the property with agricultural capability, as previously agreed to during OCP review of 1996.

Application ID: 7970

Legacy #: 31288

Applicant: Marcella Sosnowski

Proposal: Propose to use the yard in front of the shed on Lot 13 (1.5 ha) for a small storage yard for lumber. The sales office for the lumber will be in the mobile home on block 14 (2.0 ha). The intent is to sell lumber from the applicant's mill in Alberta only no supplies or hardware.

Decision:

Resolution #	Decision Date	Decision Description
296/1997	June 3, 1997	Allow as proposed on grounds that scale of use will not impact on potential ag. use of land. Applicant to be informed that Commission will not support the expansion of this use to a commercial lumber yard or hardware sales facility.

LOCAL GOVERNMENT INFORMATION

Official Community Plan:

Bylaw Name: Fernie Area Land Use Strategy

Designation: Urban Expansion

OCP Compliance: Yes

LOCAL GOVERNMENT INFORMATION

Zoning:

Zoning Bylaw Name: Elk Valley Zoning Bylaw
Zoning Designation: RR-2
Minimum Lot Size: 2.0 ha
Zoning Compliance: No

Comments and Recommendations:

Advisory Planning Committee

Electoral Area A, APC recommended that the application be approved.

Board/Council

RDEK Board recommended approval for the application.

Planning Staff

RDEK Planning staff supported the application.

ALC STAFF COMMENTS

- The agricultural capability of the parcel is 6T.
- The parcel is 1.9 ha in size and is located in an area of other approximately 2 ha parcels, some of which are farmed.
- The parcels in the immediate vicinity that are farmed are located in an area of higher agricultural capability than the subject site.
- The parcel is located in the Anderson Road subarea, an area identified for possible exclusion in the Elk Valley ALR Review report.
- The parcel is located designated as an urban expansion area in the RDEK Fernie Area Land Use Strategy.
- Three letters of objection have been received from Fernie business owners. The letters express concern that commercialization of this area of Highway 3 will impact City of Fernie businesses (who pay higher tax rates), reduce the aesthetic appeal of the area, and increase traffic and safety issues.
- One letter of support from a neighbouring property owner was also received.

ATTACHMENTS

52211 applicant sketch and rationale.pdf
52211_ContextMap10k.pdf
52211_AirphotoMap5k.pdf
52211_AgCapabilityMap.pdf

END OF REPORT

Prepared by: Lily Ford, June 16, 2011