



# Provincial Agricultural Land Commission - Staff Report

## Application: 52388

**Applicants:** Kim Pritchard, Peter Joseph  
**Local Government:** East Kootenay

**Proposal:** SUBDIVISION - Subdivision of an approximately 4 ha parcel into two approximately 2 ha parcels.

### BACKGROUND INFORMATION

The subject property is located in the Cokato area of the Elk Valley, in an existing neighbourhood of approximately 4 ha rural residential parcels.

On March 24, 2010, the Commission approved a request to subdivide a neighbouring parcel into two 2 ha parcels, on the basis of poor agricultural capability. In doing so, the Commission recognized that the approval might result in requests for similar subdivisions in the area, and emphasized that any future applications would be evaluated on their own merits as per soil and topographic conditions.

### PROPERTY INFORMATION

**PID:** 008-414-751  
**Legal Description:** Lot 24 District Lot 4588 Kootenay District Plan 1299  
**Property Area:** 3.9 ha  
**ALR Area:** 3.9 ha  
**Purchase Date:** September 21, 1987  
**Location:** Cokato Area  
**Owners:** Kim Pritchard, Peter Joseph

**Total ALR Area:**

### LAND USE

**Current Land Use:**  
Residential

**Surrounding Land Uses:**

North: Rural Residential  
East: Rural Residential  
South: Rural Residential  
West: Undeveloped

### PROPOSAL DETAILS

**Subdivision - ALR Area:** 3.9 ha

Number of Lots	ALR Area of Lot (ha)
2	1.9

**Agricultural Capability:**

The majority of the area under application is rated as: Prime Dominant

**Source:** CLI

**Mapsheet:** 82/G6

## RELEVANT APPLICATIONS

**Application ID:** 51148

**Applicant:** Wayne & Caroline Stamler

**Proposal:** To subdivide the 4 ha property into two 2 ha lots.

**Decision:**

Resolution #	Decision Date	Decision Description
2330/2010	March 24, 2010	Allow as proposed

**Note:** The subject property is located immediately southeast of the Pritchard/Joseph property.

**Application ID:** 25433

**Legacy #:** 06875

**Applicant:** R W & C Anderson

**Note:** Resolution #9456/1978. August 10, 1978. Refusal of proposal to subdivide a 4 ha parcel into two 2 ha parcels, on the basis that a reduced parcel size would limit possibilities for future consolidation. The subject property is located approximately 200 meters north of the Pritchard/Joseph property.

## LOCAL GOVERNMENT INFORMATION

### Official Community Plan:

**Bylaw Name:** Fernie Area Land Use Strategy

**Designation:** Rural Area

**OCP Compliance:** Yes

### Zoning:

**Zoning Bylaw Name:** Elk Valley Zoning Bylaw

**Zoning Designation:** Rural Residential, Hobby Farm (RR-4)

**Minimum Lot Size:** 4.0 ha

**Zoning Compliance:** No

### Comments and Recommendations:

#### **Advisory Planning Committee**

The Advisory Planning Commission for Area A supports the application.

#### **Board/Council**

On July 8, 2011, the Regional District of East Kootenay Board adopted Resolution 42474 in support of the application.

#### **Planning Staff**

In a Staff Report dated May 24, 2011, Regional District of East Kootenay Planning Staff recommends approval of the application with the following comments: The applicant has demonstrated consistency with most of the ALR development policies of the Fernie Land Use Strategy. However, floodplain mapping indicates the entire property is within the 200 year floodplain. Geotechnical work may be required prior to rezoning and subdivision to demonstrate the land is not subject to hazards and can be appropriately serviced. Staff have not supported previous rezoning applications to create new parcels in the Elk River floodplain.

## **ALC STAFF COMMENTS**

-- The agricultural capability of the property, as shown on the CLI capability map, is 8:4MF 2:5MP improvable to 8:3FM 2:4MP.

-- A soils report for the property, prepared by David W. Yole, P.Ag, M. Sc, states that the agricultural capability of the property is primarily 6P, with only a small percentage of the property (12%) rated as 3-4P. The report concludes that the land cannot be farmed by traditional machinery and cropping techniques owing to soil stoniness and moisture deficiency limitations. The report further concludes that irrigation is not practical given the distance to the Elk River (approximately 300 m) and lack of arable soil types.

-- The applicants note that the soil is too rocky to till, and their attempts to raise small livestock were unsuccessful due to predation and the high cost of feed.

-- Surrounding properties are similar in size to the 4 ha subject property, with the exception of a 90 ha beef farm located south of the site. Some of the neighbouring parcels contain equestrian uses. Smaller (1 ha - 2 ha) parcels are located approximately 0.5 km east of the site, along Cokato Road.

-- The property is located within the 200 year floodplain of the Elk River.

## **END OF REPORT**

**Prepared by:** Lily Ford, September 7, 2011