



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

November 1, 2005

Reply to the attention of Ron Wallace

Norbert and Lois Muglich
PO Box 254
Jaffray, BC – V0B 1T0

Dear Sir/Madam:

Re: **Application # L-36252**
Lot 1, District Lot 4590, Kootenay District, Plan NEP 23687

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two roughly equal parcels. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on October 11, 2005.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Regional District of East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution **#567/2005**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P705 207
Approving Officer, Ministry of Transportation, Cranbrook
BC Assessment, Cranbrook

RW/lv/Encl./36252d1

Proposed Plan of Subdivision of Lot 1,
 District Lot 4590, Kootenay District,
 Plan NEP23687.
 Legend

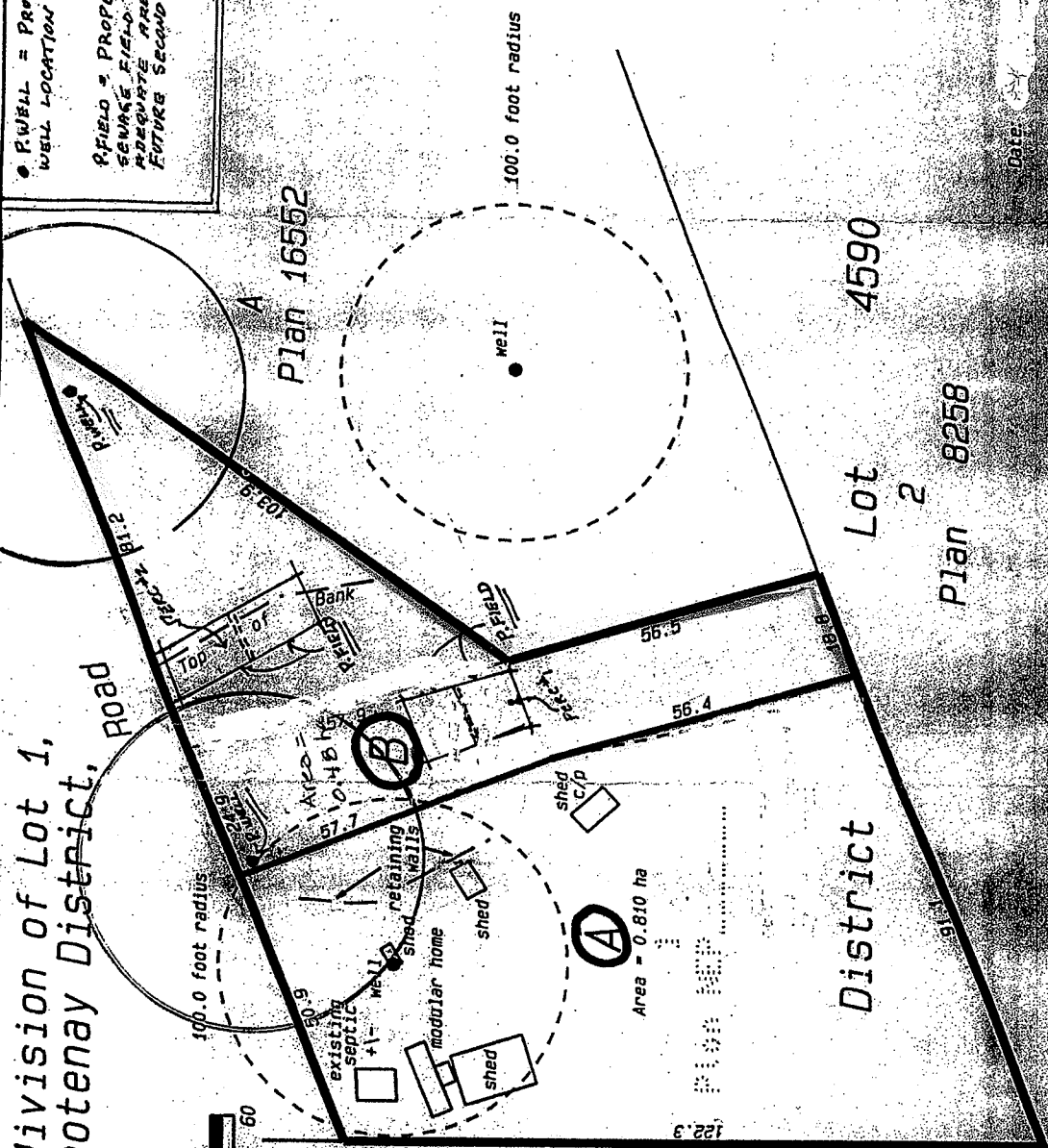
Scale 1:1000
 0 10 20 40 60
 All distances are in metres, unless otherwise noted.



Parcel No. 7
 (Assigned)

Griffith Surveys
 R. Griffith Surveying Inc.
 Box 304
 Cranbrook, B.C.
 V1C 7H5
 250-565-1691

● P.WELL = PROPOSED
 WELL LOCATION
 ○ A.FIELD = PROPOSED
 SEWAGE FIELD WITH
 RESERVE AREA FOR
 FUTURE SECOND FIELD



Parcel No. 7
 (Assigned)
 District Lot 4590
 Plan 8258
 Lot 2

Date: 2005

Provincial Agricultural Land Commission
 Application: L-36252
 Resolution # 567/2005

Subject property.



Approved subdivision.



3.2 area
 1.29 H

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 12, 2005 in Castlegar, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the staff report dated September 29, 2005 regarding application #L-36252, Norbert and Lois Muglich. The application is to subdivide the 1.3 ha parcel into two parcels.

Site Inspection

A site inspection was conducted on October 11, 2005. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicants Norbert and Lois Muglich

The site inspection lasted from 11:45 a.m. to 12:00 noon

Commission Discussion

The Commission had no objection to the proposed subdivision.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application to subdivide the 1.3 ha parcel into two parcels be approved.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



Staff Report
Application # L – 36252 – 0
Applicant: Norbert and Lois Muglich

DATE PREPARED: September 29, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Magwood, Regional Research Officer

PROPOSAL: To subdivide the 1.3 ha parcel into two parcels.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The proposal is to subdivide the parcel into one 0.8 ha lot and one 0.5 ha lot. The applicants state that they have lived on the property for 20 years and that it has become too big for them to handle, however they wish to retire on the land.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 023-674-849
Lot 1, District Lot 4590, Kootenay District, Plan NEP 23687

Purchase Date:

1983

Location of Property:

Jaffray

Size of Property:

1.3 ha

Present use of the Property:

Residential. There is a modular home, a shed, garage and septic field on the property.

Surrounding Land Uses:

WEST: Crown Land (ALR)
SOUTH: Slough, gravel pit and residence. (ALR)
EAST: Residential (non-ALR)
NORTH: Road (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/6
The majority of the property is identified as having secondary ratings.

Zoning Bylaw and Designation:

Jaffray, Tie Lake, Rosen Lake land use and floodplain management Bylaw No. 1414 designates the parcel as RR-1, Rural Residential (Estate).
Minimum parcel size 1 ha.

RELEVANT APPLICATIONS:

Application #18085

Applicant: Corbett, George
Decision Date: July 18, 1984
Proposal: To subdivide the 8.9 ha parcel into two lots, one of 2.7 ha and one of 6.2 ha
Decision: Allowed on the grounds that the best use of the parcel is residential

RELEVANT APPLICATIONS:

Application #28750-0

Applicant: Agricultural Land Commission
Decision Date: January 11, 1996
Proposal: Exclude 294 ha as part of ALR Review.
Decision: Allow exclusion of 294 ha as per ALR review.

Application #28750-1

Applicant: Jaffray
Decision Date: January 11, 1996
Proposal: To include 14 ha of land into the ALR in the Jaffray area.
Decision: Allowed the inclusion of the 14 ha area because the land had agricultural potential and should have been in the ALR at designation.

Application #28750-2

Applicant: Jaffray
Decision Date: June 04, 1997
Proposal: To make additional ALR boundary adjustments in the Jaffray area
Decision: Allowed the Jaffray Loop indicated on the map be excluded from the ALR upon completion of a land use plan for the Jaffray area.
The Commission also excluded 8.4 ha south of Rosen Lake Rd (on the grounds of poor capability and parcelization), and included of 3.2 ha south of Rosen Lake Rd (because of good agricultural capability).

Application #28750-3

Applicant: Jaffray
Decision Date: January 13, 1999
Proposal: To exclude a further 17 ha off of Jaffray Loop Rd upon the adoption of a Rural Land Use bylaw for the Jaffray area.
Decision: Allowed exclusion of 17 ha in Jaffray loop conditional on Commission endorsement of RLUB for area.

Application #33353-0

Applicant: Crabbe, Robert
Decision Date: July 26, 2000
Proposal: To exclude the 1.3 ha subject property from the ALR in order to subdivide the bottom section of the property into two additional residential lots.
Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

RDEK Board of Directors: The Board of Directors supports the application

Advisory Planning Commission: The APC for Electoral Area B supports the application

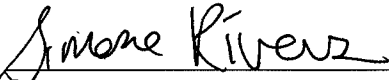
Agricultural Advisory Commission for Areas A, B, and C: The AAC supports this application as the property is not agriculturally capable and there would be no impact on any other agricultural activity. During discussion of this application it was noted that under RR1 Zoning minimum lot size is 1 ha. It was moved during the meeting that the RDEK review regulations stipulating lot size as non agricultural land could be more suitable to housing and would relieve pressure on subdivision of proven agricultural land.

STAFF COMMENTS:

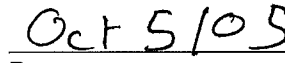
Staff recommend that the Commission consider the following:

- The property is located adjacent to a parcel of similar size that was excluded in 2000.
- The property directly to the south was subdivided in 1984 on the grounds that there was little agricultural activity in the area and that the best use of the site was residential.

END OF REPORT



Signature



Date