



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

July 12, 2006

Reply to the attention of Ron Wallace

Colleen and Jim Pearson
309 Mountain Road
Cranbrook, BC V1C 7B7

Dear Sir/Madam:

**Re: Application # L-36617
Lot C, District Lot 10361, Kootenay District, Plan 15040**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide 1.2 ha off the above noted property. 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 June 27, 2006.

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 **#355/2006**.

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,

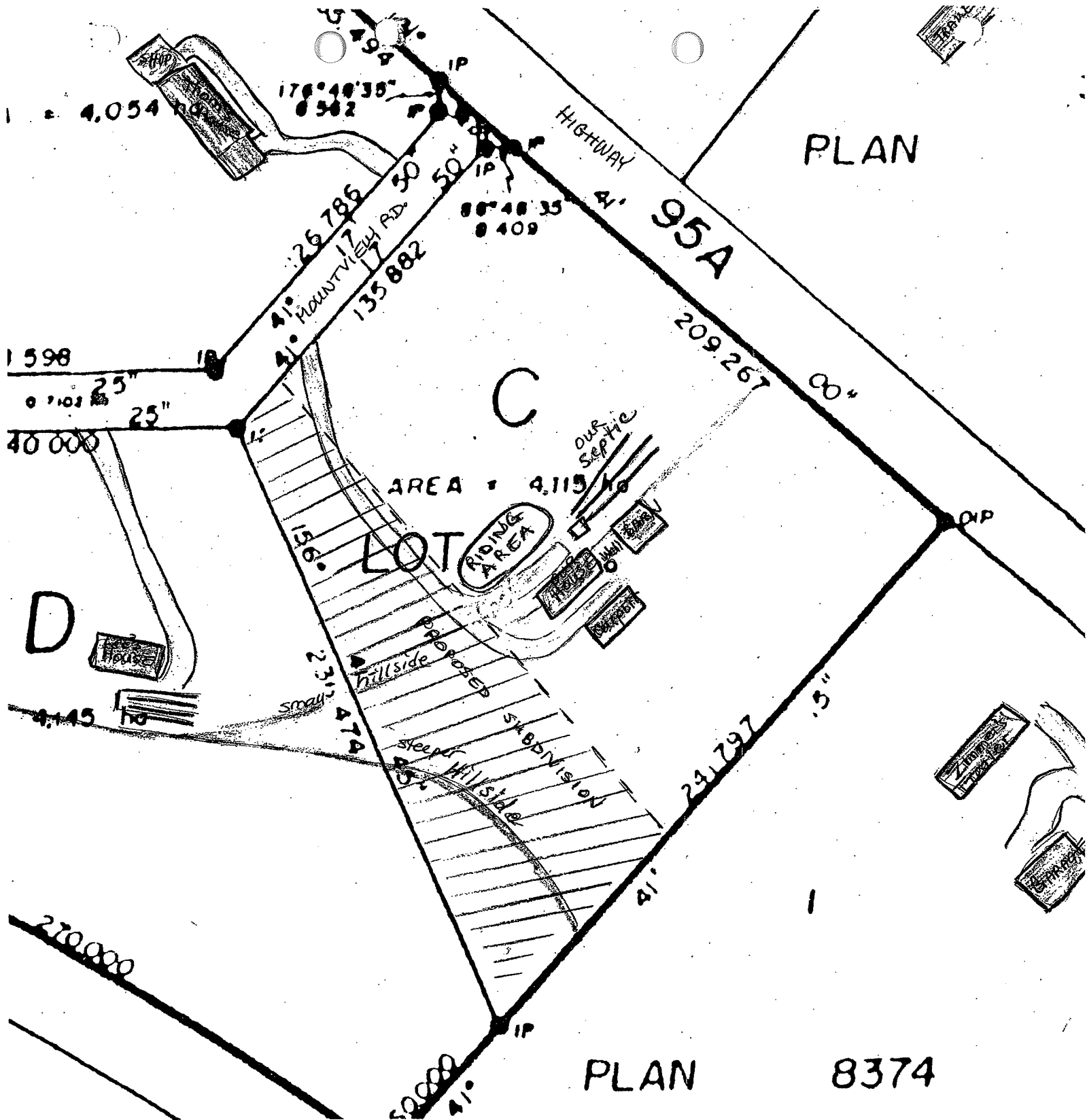
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P706308

RW/lv/Encl./36617d1.



PLAN

PLAN

8374

Provincial Agricultural Land Commission
Application: L-36617
Resolution #355/2006

 Approved ±1.2 ha subdivision.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 27, 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Land Use Planner

For Consideration

Ron Wallace presented the staff report dated May 19, 2006 regarding application #L-36617, Colleen and Jim Pearson. The application is to subdivide 1.2 ha off the subject property to provide a separate parcel for the applicant's son and his family.

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicants Colleen and Jim Pearson

The site inspection lasted from 2:30 p.m. to 3:00 p.m.

Commission Discussion

It was noted from the on-site that the property has low agricultural capability due to rocky soil conditions and minimal availability of water for irrigation. Based on this the Commission was prepared to support 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 1.2 ha off the subject property be approved as proposed.

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

CARRIED



Staff Report
Application # L – 36617
Applicant: Colleen and Jim Pearson

DATE PREPARED: May 19, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide 1.2 ha off the subject property to provide a separate parcel for the applicant's son and his family.

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

BACKGROUND INFORMATION:

There have been many previous applications in the area of the subject property.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 009-782-907
Lot C, District Lot 10361, Kootenay District, Plan 15040

Purchase Date (m/d/y):

1989-06-15

Location of Property:

309 Mountview Road, Cranbrook

Size of Property:

4.1 ha (The entire property is in the ALR).

Present use of the Property:

The property is used as a rural residential lot, no agricultural development.

Surrounding Land Uses:

WEST: Rural residential, agriculture
SOUTH: Undeveloped land, outside of the ALR
EAST: Rural residential use, agriculture
NORTH: Highway 95A, Agriculture

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

The property is designated Agriculture

Zoning Bylaw and Designation:

Rural Residential (Hobby Farm) Zone, 4 ha minimum lot size

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board adopted a resolution in support of the application.

Advisory Planning Commission

The APC for Area C did not support the application. Commission members were concerned that allowing this request would set a precedent by allowing parcels smaller than 2 ha to be broke off existing properties. At the time of consideration, the Commission members were unaware of the existence of LGA Section 946 and Cranbrook Rural Zoning Bylaw 1402 that allow for reduced parcel size. After being made aware of the applicable rules and bylaw, they were still unanimously opposed to this request.

Local Government Staff

Made the comment that zoning bylaw parcel size minimum can be reduced under Section 946, subdivision for relative regulations.

STAFF COMMENTS:

Staff provided the following comments:

- The applicants purchased the property in June 1989 and are therefore no eligible for consideration of a home site under the ALC homesite severance policy.
 - The creation of a 1.2 ha lot would further reduce the agricultural suitability of the 4.1 ha property and set a precedent for other land owners in the area to subdivide their properties.
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END OF REPORT

Signature



Date

19 May 2006