



**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

July 17, 2006

Reply to the attention of Ron Wallace

Vaughn Lessard/ Vanessa Stamler  
740 Hartley Creek Road  
Ferne, BC V0B 1M5

Dear Sir/Madam:

Re: **Application # L-36620**  
**District Lot 12757, Kootenay District**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into one 8.7 ha lot a 12.5 ha lot and a 7.1 ha lot. 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 28, 2006. The Commission found the meeting and site visit informative.

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 **#362/2006**.

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,

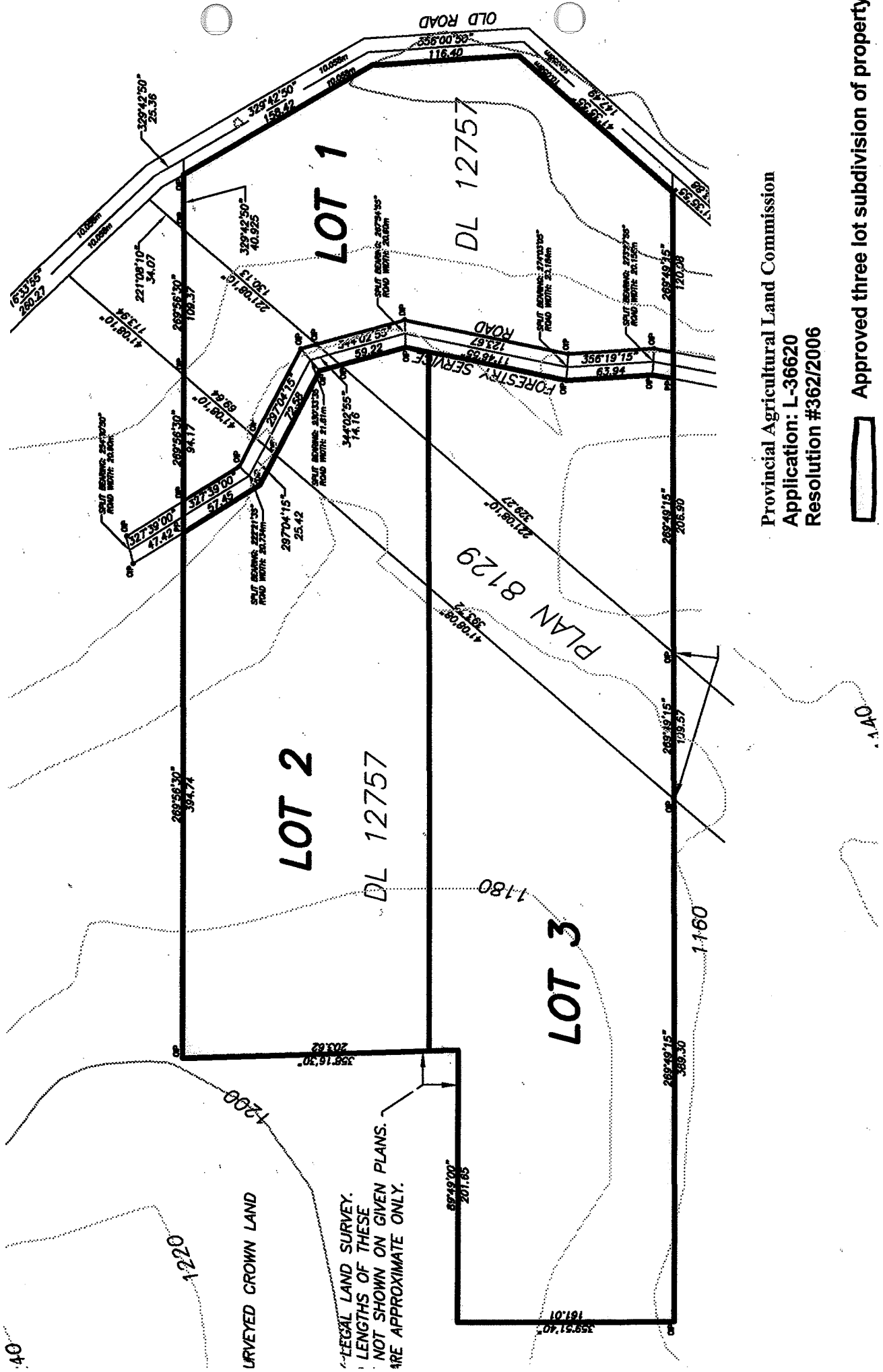
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P 706 101  
Ken Benesh, 6 Alan Graham Drive, Ferne, BC - V0B 1M5

RW/lv/Encl./36620d1



Provincial Agricultural Land Commission  
 Application: L-36620  
 Resolution #362/2006

Approved three lot subdivision of property.

LEGAL LAND SURVEY.  
 LENGTHS OF THESE  
 NOT SHOWN ON GIVEN PLANS.  
 ARE APPROXIMATE ONLY.

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 28, 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 17, 2006 regarding application #L-36620, Vaughn Lessard. The application is to subdivide the 28.3 ha property into one 8.7 ha lot a 12.5 ha lot and a 7.1 ha lot.

**Site Inspection**

A site inspection was conducted on June 28, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicant Vaughn Lessard
- Agent Ken Benesh

The site inspection lasted from 10:45 a.m. to 11:15 a.m.

**Commission Discussion**

The Commission recalling its on-site inspection noted the subject property is very unsuitable for agricultural development due to steep topography and rocky soil conditions. It had no objections to the proposed subdivision.

**IT WAS**

**MOVED BY:**           Commissioner M. Marshall

**SECONDED BY:**       Commissioner C. Purdy

**THAT** the staff report be received and the application to subdivide the property into three lots 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 – 36620  
Applicant: Vaughn Lessard  
Agent: Ken Benesh**

**DATE RECEIVED:** April 19, 2006

**DATE PREPARED:** May 17, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To subdivide the 28.3 ha property into one 8.7 ha lot a 12.5 ha lot and a 7.1 ha lot.

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

**BACKGROUND INFORMATION:**

The applicants wish to subdivide in order to sell the lots. They are building a house on one of the lots.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 016-037-707  
District Lot 12757, Kootenay District

**Purchase Date (m/d/y):**

January 2005

**Location of Property:**

740 Hartley Creek Road, Fernie

**Size of Property:**

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

**Present use of the Property:**

Vacant and rural residential

**Surrounding Land Uses:**

**WEST:** Rural residential (non-ALR)  
**SOUTH:** Rural residential (ALR)  
**EAST:** Rural residential (ALR)  
**NORTH:** Rural residential (ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/11  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Elk Valley Land Use Strategy 1986 designates the land as Agriculture (land within the ALR)

**Zoning Bylaw and Designation:**

RR-8, Rural Residential (Country) Zone.  
Minimum parcel size 8 ha.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional District of East Kootenay Board:** The board forwarded the application with a resolution of support

**Advisory Planning Commission:** The APC for Area A recommended the application to subdivide into three lots be accepted.


**Agricultural Advisory Commission:** The AAC recommended the application be accepted as presented.

**STAFF COMMENTS:**

Staff recommend a site visit in order to determine the agricultural capability of the subject property as well as to evaluate the nature of surrounding agricultural operations and the potential impact of the subdivision.

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**END OF REPORT**

  
\_\_\_\_\_  
Signature

19 May 2006  
\_\_\_\_\_  
Date