



**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 13, 2006

Reply to the attention of Ron Wallace

John & Marcelle Audia  
PO Box 15  
Ferne, BC V0B 1M0

Dear Sir/Madam:

Re: **Application #L-36683**  
**Lot 8, District Lot 6393 & 11707, Kootenay District, Plan 1411, EXCEPT (1) Parcel A (See97191I), (2) That portion lying to the East of the R/W Plan 7617 and, (3) Part included in Plan 7617**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 2 ha lot off the northwest corner of the above noted property for a family member. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission noted during its on-site inspection on 28 June 2006 that your property has good agricultural potential and is of a suitable size for agricultural development. It was also noted that the adjacent properties are of both similar size and agricultural potential. The Commission felt the proposed subdivision would reduce the agricultural usefulness of the property and set a precedent for others in the area to seek subdivision approval.

For these reasons, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution **#361/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-102)

RW/lv  
36683d1.

**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 19, 2005 regarding application #L-36683, John & Marcelle Audia. The application is to subdivide a 2 ha lot off the northwest corner of the property for the applicants' daughter to build a home.

**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
- Ministry of Agriculture and Lands Staff: Rieva McCuaig, Regional Agrologist

The applicant was not present for the site inspection.

The site inspection lasted from 10:00 a.m. to 10:20 a.m.

**Commission Discussion**

The Commission refused the application for subdivision on the grounds that the property has good agricultural potential and is of a suitable size for agricultural development. It was also noted that the adjacent properties are of both similar size and agricultural potential. It was felt the proposed subdivision would reduce the agricultural usefulness of the property and set a precedent for others in the area to seek subdivision approval.

**IT WAS**

**MOVED BY:**             Commissioner C. Purdy

**SECONDED BY:**        Commissioner M. Marshall

THAT the staff report be received and the application subdivide a 2 ha off the northwest corner of the property be refused.

CARRIED



**Staff Report**  
**Application # L – 36683**  
**Applicant: John & Marcelle Audia**

**DATE PREPARED:** May 19, 2006

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

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

**PROPOSAL:** To subdivide a 2 ha lot off the northwest corner of the property for the applicants' daughter to build a home.

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

**BACKGROUND INFORMATION:**

There are no previous applications on this property.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

1. PID: 015-799-514  
Lot 8, District Lot 6393 & 11707, Kootenay District, Plan 1411, EXCEPT (1) Parcel A (See971911), (2) That portion lying to the East of the R/W Plan 7617 and, (3) Part included in Plan 7617;

**Purchase Date:**

August 22, 1995

**Location of Property:**

Dicken Road, Fernie, BC

**Size of Property:**

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

**Present use of the Property:**

Rural residential use. There is a dwelling, sheds, and barn on the property. There are two horses on the property.

### **Surrounding Land Uses:**

**WEST:** Residence, hayfield, pasture  
**SOUTH:** Pasture land  
**EAST:** Residence and hayfield  
**NORTH:** Agriculture

### **Agricultural Capability:**

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

### **Official Community Plan and Designation:**

The property is designated as Agriculture

### **Zoning Bylaw and Designation:**

Rural residential (RR-8), 8 ha minimum lot size

---

### **RELEVANT APPLICATIONS:**

#### **Application #36354-0**

**Applicant:** Mainroad East Kootenay Contracting Ltd

**Decision Date:** March 21, 2006

**Proposal:** To establish a non-farm use for a municipal solid waste transfer facility on the Mainroad Contracting site located along Highway 3, just east of the City of Fernie. This operation will utilize some of the existing structures on site and require the addition of several others. The details of the proposed operation are outlined in the attached site plan.

**Decision:** Allow application to establish a non-farm use for a municipal solid waste transfer facility on the Mainroad Contracting site located along Highway 3, just east of Fernie.

---

### **LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

#### **Regional Board**

The Regional Board adopted a resolution in support of the proposed subdivision.

#### **Advisory Planning Commission**

The APC for Area A supported the amended application showing a five acre parcel rather than two ten acre parcels.

#### **Agricultural Advisory Committee**

The Agricultural Advisory Commission recommended that the upper northeast portion of the property be divided in half from Dicken Road to the creek; this would leave the high quality agricultural soils portion intact.

#### **Local Government Staff**

Subdivision to provide separate residence for a relative pursuant to Section 946 of the Local Government Act can proceed under existing zoning.

### **STAFF COMMENTS:**

Staff provided the following comments:

- The agricultural capability of this property is Class 4 and 5 with limiting subclasses of stoniness and moisture deficiency. The Class 4 portion could be improved to Class 3 and the Class 5 portion could be improved to Class 4 with the same limiting subclasses.
- There are no similar subdivision applications in the area that the Commission has approved.
- A site inspection is recommended.

---

**END OF REPORT**

  
\_\_\_\_\_  
Signature

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

2

DL. 12754

DL. 12753

P. 1411

P. 16  
P. 1550

R/W 16151

R/W 562

Exp. 2

Post. 13690

DL. 6394

P. 1411

DL. 3048

P. 1411

DL. 11707

P. 1697

Proposed  
5ACRE  
PARCEL

Exp. NEP20660

P. 1411

DL. 6393

P. 1411

DD 8

Pcl. A  
DD 97191-1  
of Lot 8

Prt. B  
Lying East of  
R/W 7617  
(DD97191-1)

P. 1697

P. 1411

P. 1411

NEP22403

P. 5826 P. 8737

Plan 802

Plan 802

Plan 9147

Plan 802

EP71722

R/W P. 7617

