



Agricultural Land Commission
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December 8, 2006

Reply to the attention of Gordon Bednard
ALC File: L-36870

James and Barbara Walker
5191 Thompson Road
Ferne, BC V0B1M4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 580/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-107)

GB/lv/Encl.: Minutes/Sketch Plan
36870d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 15, 2006 at Vancouver, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 Gordon Bednard Staff

ABSENT: Erik Karlsen Chair, ALC

For Consideration

Application: # L- 36870
Applicant: Barbara Walker

Proposal: To subdivide approximately 4.6 ha into two equal parcels
Legal: PID: 011-829-044
 Lot 43, District Lot 4588, Kootenay District, Plan 1299
Location: 5191 Thompson Road, Fernie

Site Inspection

A site inspection was conducted on October 18, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Chair, ALC
Gordon Bednard	Staff

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission felt that the proposal would have no affect on the subject or surrounding lands in terms of future agricultural potential.

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IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Carmen Purdy

THAT the application be approved as proposed. The Commission viewed the property in the context of the recently adopted Land Use Strategy as it related to the Cokato area, and the supportive comments of the Cokato Land Owners Association president Joe Caravetta. The Commission does not believe this specific subdivision proposal would impact existing or potential agricultural use of the subject property or surrounding lands.

AND THAT the approval is subject to the following conditions:

THAT the subdivision be in substantial compliance with the plan submitted with the application;

AND THAT the approval is granted to the applicant only and must be acted on within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 580/2006

from PLAN 1299
District Lot 4588
Lot 43

Provincial Agricultural Land Commission

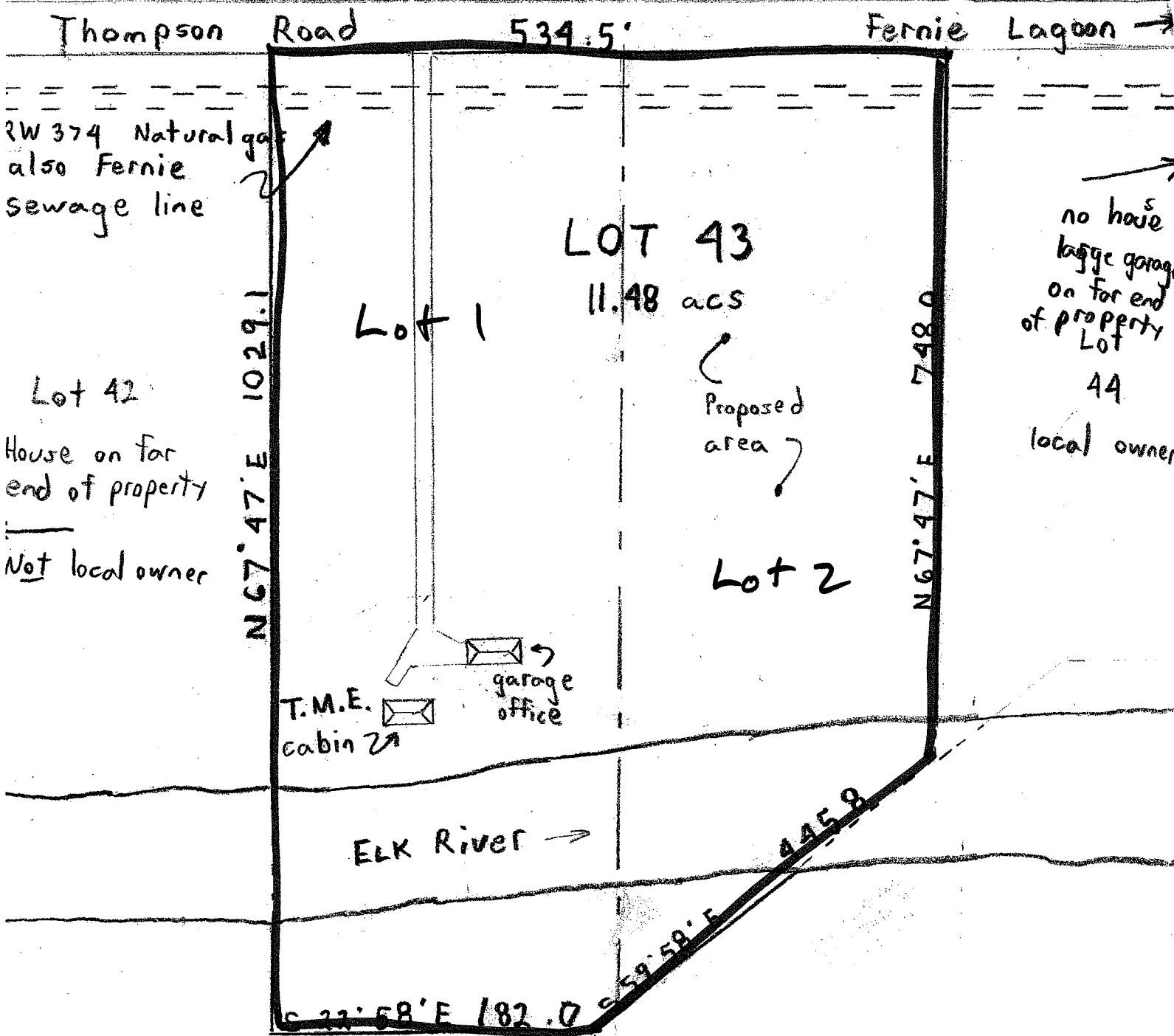
Application: L-36870
Resolution # 580/2006



Subject property.



Approved subdivision boundary. Lots remain within the ALR.





Staff Report
Application # L – 36870
Applicant: Barbara Walker
Agent: James Walker

DATE RECEIVED: August 16, 2006

DATE PREPARED: September 13, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide approximately 4.6 ha into two parcels

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 011-829-044
Lot 43, District Lot 4588, Kootenay District, Plan 1299

Purchase Date:

January 1998

Location of Property:

5191 Thompson Road, Fernie

Size of Property:

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

Present use of the Property:

Residence

Surrounding Land Uses:

WEST: Residence
SOUTH: Elk River
EAST: Residence
NORTH: CPR Rail

Agricultural Capability:

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

Official Community Plan and Designation:

Elk Valley Land Use Strategy (1996) designates the land as "Agriculture".

Zoning Bylaw and Designation:

Designation: RR-4 Rural Residential (Hobby Farm) Zone
Minimum Parcel Size 4 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: The Board forwarded the application with a recommendation of support

Advisory Planning Commission: The APC for Area A accepted the plan as outlined

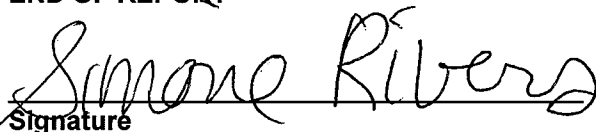
Agricultural Advisory Commission: The AAC approved the application as presented.

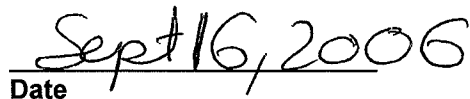
Local Government Planning Staff: Planning Staff recommended that the application be postponed until the Fernie Area Land Use Strategy is adopted. *"The draft Land Use Strategy supports this application subject to submission of a report from a qualified professional detailing the impact of the single family dwelling on agricultural capacity. However, rural development and subdivision in Cokato was one of the more controversial issues during the planning process."*

ATTACHMENTS:

- Sketch Plan of proposed subdivision (Submitted by the applicant)
- ALC Context Map: 82G/6 1:50,000 (Created by ALC Staff)
- Location Map: (Submitted by RDEK)

END OF REPORT


Signature


Date