



Agricultural Land Commission
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December 14, 2006

Reply to the attention of Gordon Bednard
ALC File: L-36927

Donald and Karen Cook
5329 Lower Elk Valley Road
Sparwood, BC V0B 2G3

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 630/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P706-109)
John Zimmer 45 - 8th Avenue S., Cranbrook, BC V1C 2K4

GB/lv/Encl.: Minutes
36927d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 18, 2006 at Cranbrook, B.C.

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

For Consideration

Application: # L- 36927
Applicant: Donald and Karen Cook
Proposal: To subdivide one 8 ha lot and one 9 ha lot from the 40.7 ha subject property.
Legal: PID: 016-293-151
Lot A, District Lot 2242 and 2316, Kootenay District, Plan 18974
Location: 5329 Lower Elk Valley Road

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, ALC
Donald Cook	Owner

The Commission discussed the proposed subdivision with the applicant and viewed the areas proposed for the two lots.

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 assessed the impact of the proposal against the long term goal of preserving agricultural land. The present size of the subject property is consistent with surrounding lands and is of a size which would lend itself to agricultural use. The Commission is therefore reluctant to grant any subdivision approval which would create large rural residential lots in an area which could be farmed. The Commission believes the proposal would impact existing or potential agricultural use of the subject and surrounding lands.

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IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Erik Karlsen

THAT the application be refused as presented for the above reasons.

It should be noted that Commissioner Purdy excused himself from any discussion of this application.

CARRIED

Resolution # 630/2006



Staff Report
Application # L – 36927
Applicant: Donald and Karen Cook
Agent: John Zimmer

DATE RECEIVED: September 7, 2006

DATE PREPARED: October 6, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide one 8 ha lot and one 9 ha lot from the 40.7 ha subject property.

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: 016-293-151
Lot A, District Lot 2242 and 2316, Kootenay District, Plan 18974

Purchase Date:

August 1990

Location of Property:

5329 Lower Elk Valley Road

Size of Property:

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

Present use of the Property:

Residence, farming and farm buildings

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Farming/Ranching
SOUTH: Farming/Ranching
EAST: Farming/Ranching
NORTH: Farming/Ranching

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/15
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: Elk Valley Land Use Strategy (1986)
Designation: Agriculture

Zoning Bylaw and Designation:

Zoning Bylaw No. 829 (1990)
Designation: RR-60 Rural Resource Zone
Minimum Lot Size: 60 ha

PREVIOUS APPLICATIONS:

Application #13978-0

Applicant: John L Pigat
Decision Date: June 22, 1982
Proposal: To subdivide a 32.4 ha lot from the subject property.
Decision: Refused on the grounds that the proposed 32.4 ha lot has potential for agricultural utilization in conjunction with the main ranch unit and should therefore not be subdivided.
Reconsidered (file called back from offsite).

RELEVANT APPLICATIONS:

Application #09488-0

Applicant: Smith, Matthew
Decision Date: December 13, 1979
Proposal: To subdivide the 5.3 ha subject property into four lots of approximately 0.8 ha lots and one 2.1 ha lot.
Decision: Refused on the grounds that the creation of 0.8 ha lots would be inconsistent with the adjacent parcel size and an intrusion into a cattle ranching area.

Application #13977-0

Applicant: John L Pigat
Decision Date: February 2, 1982
Proposal: To subdivide a 0.4 ha lot from the subject property that is separated from the main ranch by Delzel Creek.
Decision: Allowed - the Commission was of the opinion that the 0.4 ha parcel was not a part of the main ranch operation.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board: Forwarded with a recommendation of support.

Area 'A' Advisory Planning Commission: Support (the proposed Fernie Strategy supports this type of application).

Planning Staff: Recommend that the application be supported.

Agricultural Advisory Committee: Accepted the application as presented.

STAFF COMMENTS:

Staff suggests the Commission consider the following:

- The proposed 8 and 9 ha lots are smaller than the majority of the surrounding parcels.
- Historically, this is a ranching area.

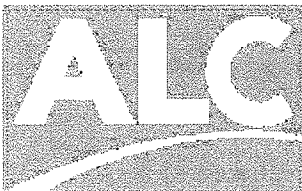
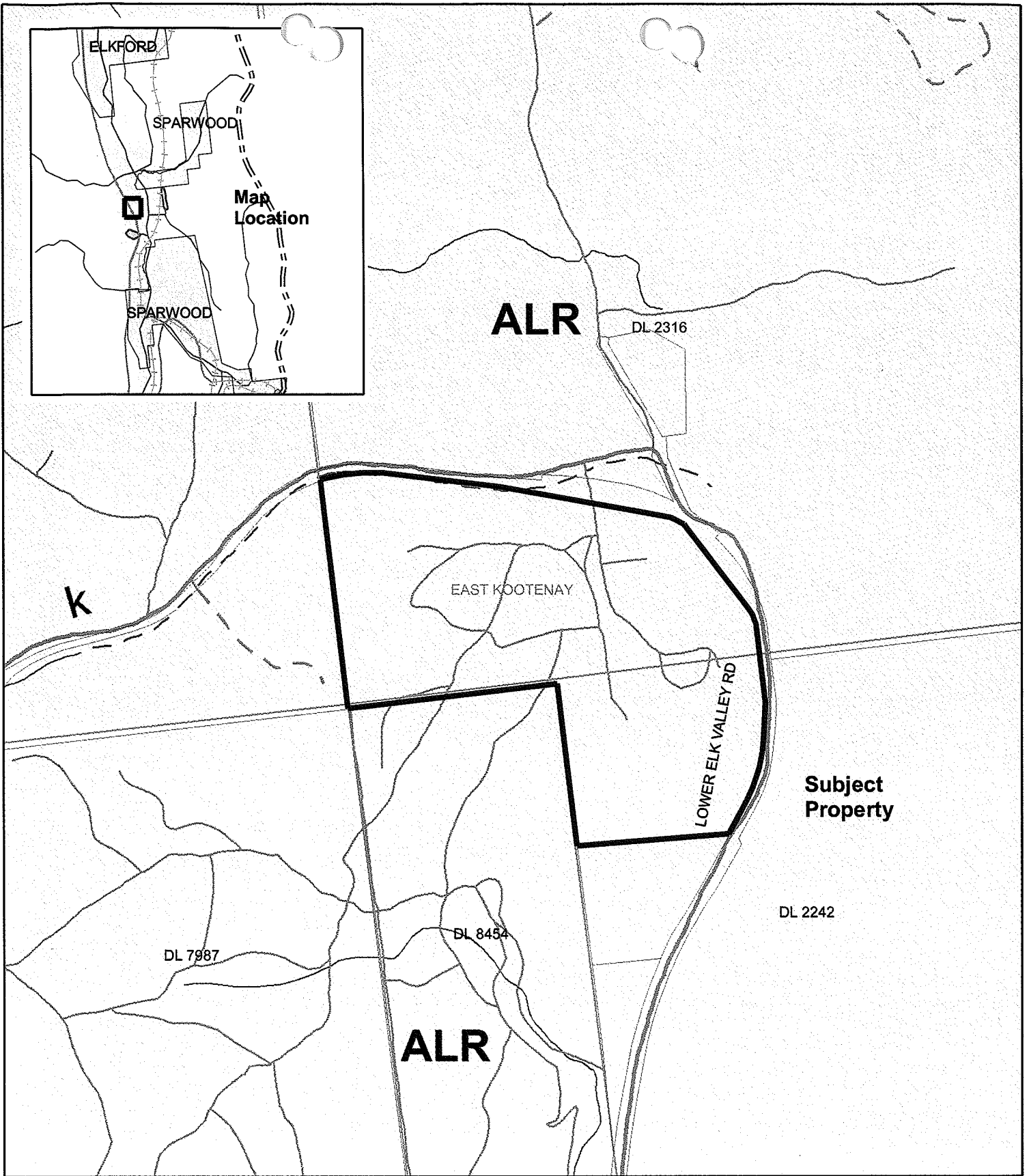
ATTACHMENTS:

- ALR Context map
- Air photo (supplied by Regional District)
- Proposed subdivision layout (supplied by applicant)
- Surrounding land uses (supplied by applicant)

END OF REPORT

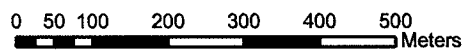
Signature

Date



ALC Context Map

Map Scale: 1:10,000



ALC File#:	21-06-36927
Map Sheet #:	82G.086
Regional District:	East Kootenay