



Agricultural Land Commission
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January 12, 2007

Reply to the attention of Gordon Bednard
ALC File: # L - 36820

John Todd
Site 11B, RR#1
Elko, BC V0B 1J0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 640/2006 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,

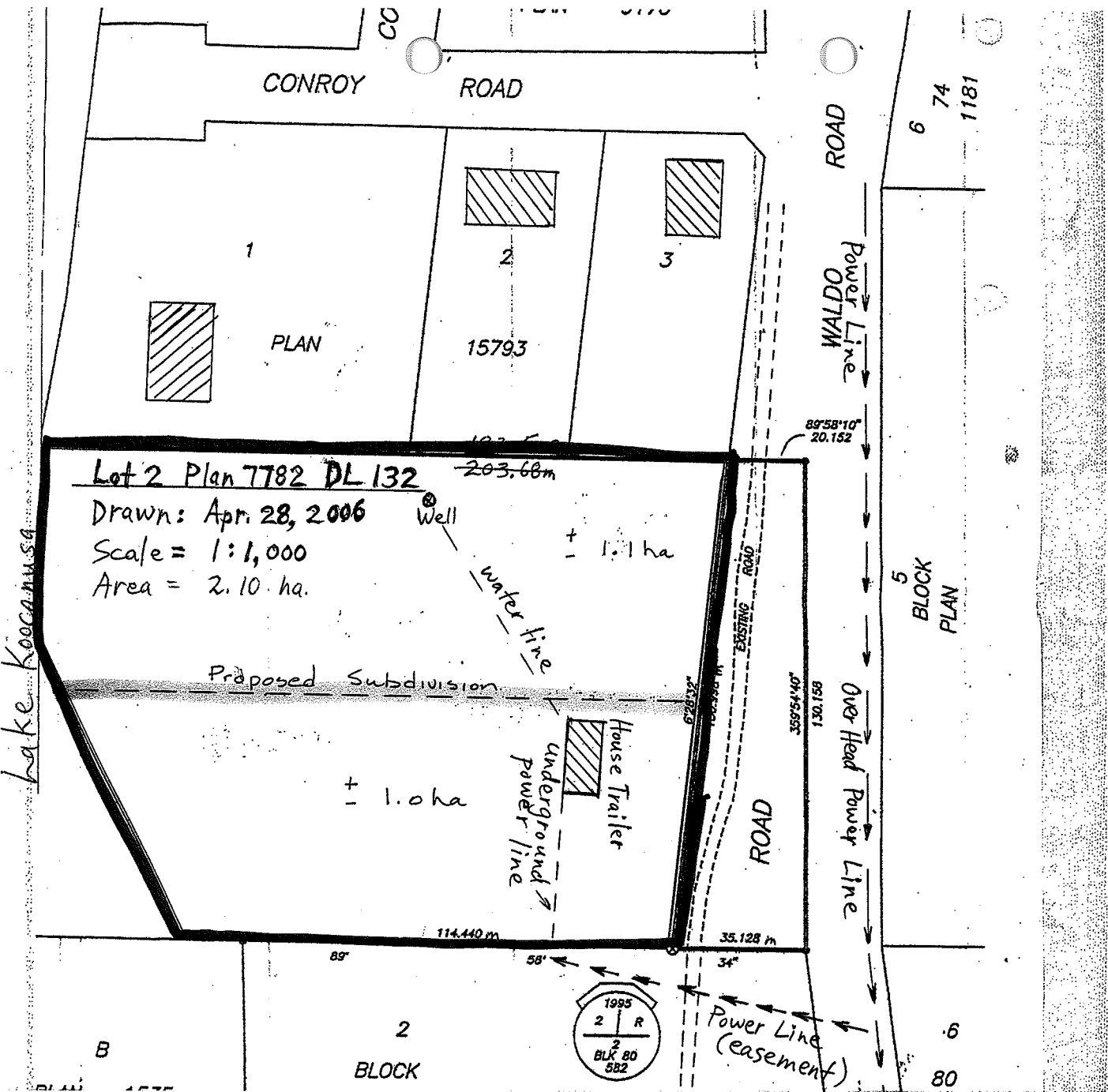
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Etik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-207)



GB/lv/Encl.: Minutes/Sketch Plan
36820d1



Provincial Agricultural Land Commission

Application: L-36820

Resolution # 640/2006

-  Subject property.
-  Approved subdivision boundary. Lots remain within the ALR.



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 - 36820
Applicant: John Todd
Proposal: To subdivide the 2.1 ha property into one 1 ha parcel and one 1.1 ha parcel.
Legal: PID: 013-469-550
Lot 2, District Lot 132, Kootenay District, Plan 7782
Location: 1725 Waldo Road, Kragmont

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

The applicant was unable to attend at the property when the Commission visited. The Commission viewed the property and the surrounding ALR lands.

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted during the site inspection that the subject property was part of a seasonal residential enclave of small, rural properties. As well, the property is located along a steep bank above the lake and therefore contains little arable land. For these reasons, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

IT WAS

MOVED BY: Commissioner Carmen Purdy

SECONDED BY: Commissioner Monika Marshall

THAT the application be allowed as presented.

AND THAT the approval is granted to the applicant only and must be acted upon 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 # 640/2006



**Staff Report
Application # L – 36820
Applicant: John Todd**

DATE RECEIVED: July 12, 2006

DATE PREPARED: September 1, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 2.1 ha property into one 1 ha parcel and one 1.1 ha parcel.

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

BACKGROUND INFORMATION:

The applicant wishes to subdivide so that he can sell half the property and acquire funds to build himself a permanent home. He states that he is planning to develop a large garden on the property.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 013-469-550
Lot 2, District Lot 132, Kootenay District, Plan 7782;

Purchase Date:

November 1991

Location of Property:

1725 Waldo Road, Kragmont

Size of Property:

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

Present use of the Property:

Residence - mobile home

Surrounding Land Uses:

WEST: Lake Koochanusa
SOUTH: Residential
EAST: Government Right of Way
NORTH: Residential

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/3
The majority of the property is identified as having Secondary ratings.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission, Electoral Area B: The APC supported the application with two caveats:

- The existing power line easement be removed and relocated to the property line so as to better serve both properties.
- If the agricultural potential of the property can be better served, a boundary realignment would be recommended and the APC would support such a realignment.

Agricultural Advisory Committee: The AAC accepted the application as presented.

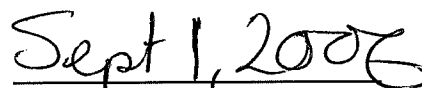
ATTACHMENTS:

- Summary of Proposal "Application for Subdivision in ALR" (submitted by applicant)
- Map: proposed subdivision (Submitted by applicant)
- Map: ALR context map (82G/3) 1:50,000 (Submitted by RDEK)
- Map: Baynes Lake Area Map (Submitted by RDEK)

END OF REPORT



Signature



Date