



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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May 11, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37049

Focus
PO Box 608, 712D-10th Street
Invermere, BC V1K1K0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 158/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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:

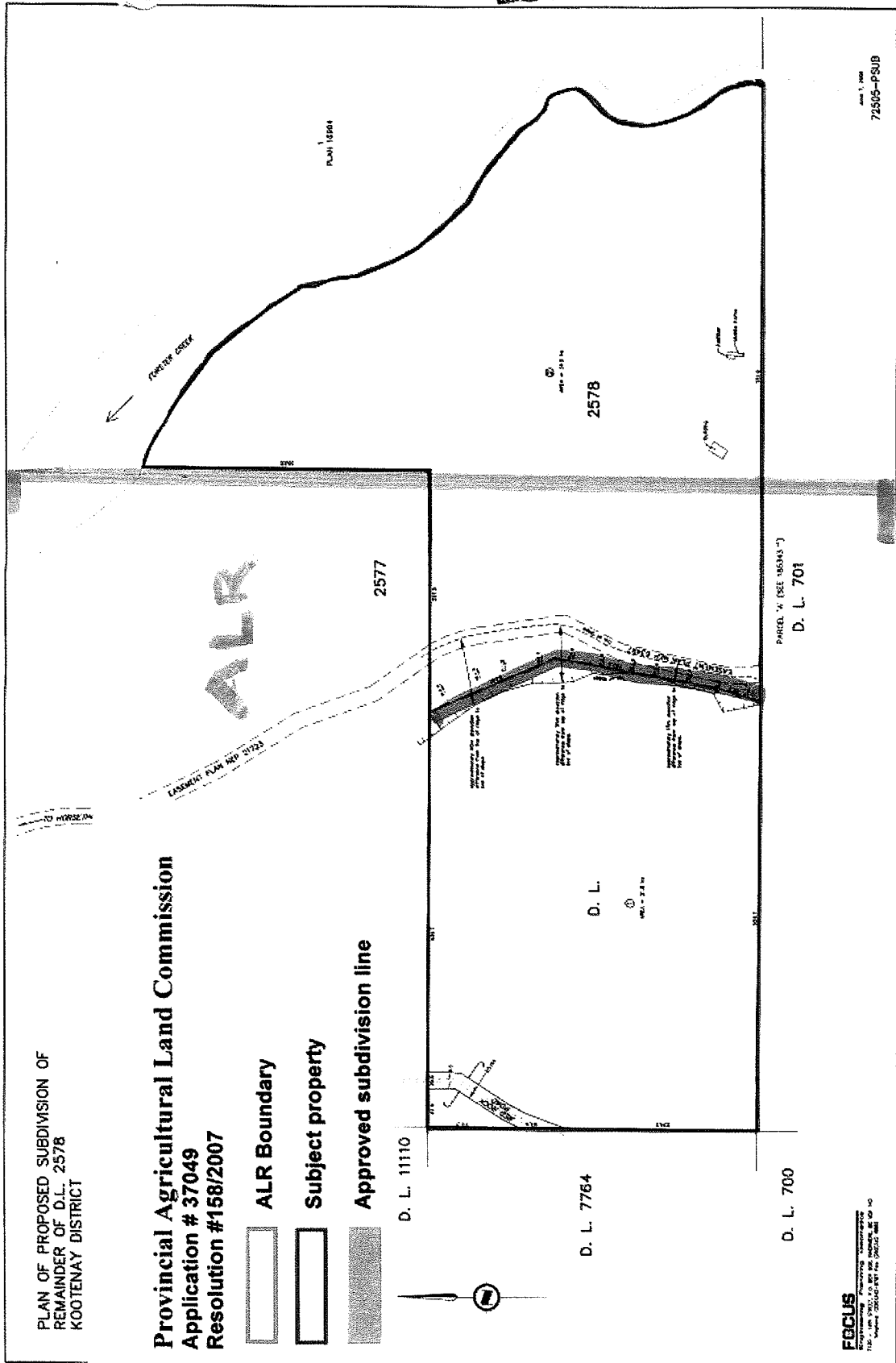
Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-706-610)

Enclosure: Minutes/Sketch Plan




TK/eg/37049d1.doc

RECEIVED
NOV 8 2006



PLAN OF PROPOSED SUBDIVISION OF
REMAINDER OF D.L. 2578
KOOTENAY DISTRICT

Provincial Agricultural Land Commission
Application # 37049
Resolution #158/2007

-  ALR Boundary
-  Subject property
-  Approved subdivision line

FOCUS
LAND SURVEYORS
1100 - 10th Street, West
Kelowna, BC V1Y 9V6
Tel: 250-860-8877 Fax: 250-860-8878

June 1, 2006
72595-PSUB



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2007 in Vancouver, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # L- 37049
Applicant: Allen and Teresa Mazar
Agent: Focus
Proposal: To subdivide the 56 ha subject property into two lots of 21.8 ha and 34 ha.
Legal: PID: 012-237-558
District Lot 2578, Kootenay District, EXCEPT 1) Part included in RW Plan 1238 and 2) Part included in Plan 16904
Location: Located across the Columbia River valley from the Village of Radium Hot Springs

Site Inspection

A site inspection was conducted on March 21, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Teresa Mazar Applicant
- Allen Mazar Applicant

The Commission met with the applicants and walked the area proposed for subdivision. The Commission noted the steep bank that physically separates the east and west portions of the property.

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 discussed that although many ALR areas in the Kootenays and the Interior have similar agricultural capability ratings as the subject property and are used for extensive ranching operations, after conducting the site visit and reviewing the application, the Commission concluded that the topographic break on the subject property created severe limitations for agriculture.

The Commission also recognized that the ALR boundary divided the property and that the applicant could subdivide the property along the ALR boundary without coming to the Commission. However, subdividing along the topographical divide would keep the majority of the prime agricultural land on one parcel.

The Commission recognized the points made by the Advisory Planning Commission, and noted that the Regional District (RD) bylaws would enable the RD to approve another subdivision along the ALR boundary. The Commission discussed that it would not be in favour of further subdivisions of the property, and would not support further subdivision of the land in the ALR, or road access to the non-ALR portion of the property.

Conclusion

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Marshall

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed 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 # 158/2007



Staff Report
Application # L – 37049
Applicant: Allen and Teresa Mazar

Agent: Focus

DATE RECEIVED: November 8, 2006

DATE PREPARED: January 22, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 56 ha subject property into two (2) lots, one (1) lot of 21.8 ha and one (1) lot of 34.2 ha. 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: 012-237-558

District Lot 2578, Kootenay District, Except 1) Part included in RW Plan 1238 and 2) Part included in Plan 16904

Purchase Date:

August 1992

Location of Property:

Located across the Columbia River valley from the Village of Radium Hot Springs

Size of Property:

56 ha (It is estimated that 30 ha of the property is in the ALR).

Present use of the Property:

Residential, horses, mobile home, and a large garage/outbuilding

Surrounding Land Uses:

WEST: Rural residential and cattle
SOUTH: Rural residential and cattle ranging
EAST: Columbia River
NORTH: Rural residential, Christmas tree farm and lease for cattle

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/9
The majority of the property is identified as having Secondary ratings. A large portion of the eastern section of the property within the ALR is Class 4 with the limiting factor of fertility and the possibility of being improved to a Class 2.

Official Community Plan and Designation:

OCP: None

Zoning Bylaw and Designation:

Upper Columbia Valley Zoning Bylaw No. 900 (1992)
Designation: Rural Resource Zone A-1
Minimum Lot Size: 60 ha

RELEVANT APPLICATIONS:

Application #28984-0

Applicant: Garbowsky, Eugene
Decision Date: June 27, 1994
Proposal: Subdivide an 8 ha lot from the 65 ha property.
Decision: Refused: would lead to conflicts with surrounding ranch operations and heighten the expectations of nearby land owners.

Application #31470-0

Applicant: Canadian Maple Leaf Fund Manitoba II Ltd
Decision Date: October 20, 1997
Proposal: Subdivide the 981 ha property into 4 lots of 233 ha, 256 ha, 249 ha and 243 ha. One lot is proposed for donation to the Sheldon Kennedy Foundation.
Decision: Allowed with conditions

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board:

The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Commission:

The APC did not support the application as subdivision in this area is not generally supported.

Local Government Staff:

The planning staff supported the application on the basis that the proposed subdivision does not require rezoning. ...3

Re: Application #Q-37049

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

- Mr. & Mrs. Mazar are pursuing the subdivision for a number of personal reasons primarily due to Mrs. Mazar's limited mobility.
- A steep ridge is the geographical divide on the property and is proposed as the subdivision line.
- It is proposed by the applicant that the lack of feasible irrigation options prohibits large scale agricultural use on the property.
- It appears that the proposed subdivision will keep the Class 4 lands of the property intact.

ATTACHMENTS:

1. ALR Base Map
2. Aerial Photograph
3. Sketch of Proposed Subdivision

END OF REPORT



Signature



Date