



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

April 25, 2007

Reply to the attention of Terra Kaethler
ALC File: #L - 37115

Pieter and Jeannette Oostlander
6471 Heyer Road
Cranbrook, BC V1C 7C4

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 119/2007 outlining the Commission's decision as it relates to the above noted application.

Subsequent to the site visit, the Commission received documentation proving ownership as of August 23, 1972. The Commission is satisfied that this condition of approval has been met.

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-706-332)

Enclosure: Minutes/Sketch Plan

TK/iv
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Provincial Agricultural Land Commission

Application # 37115

Resolution #119/2007

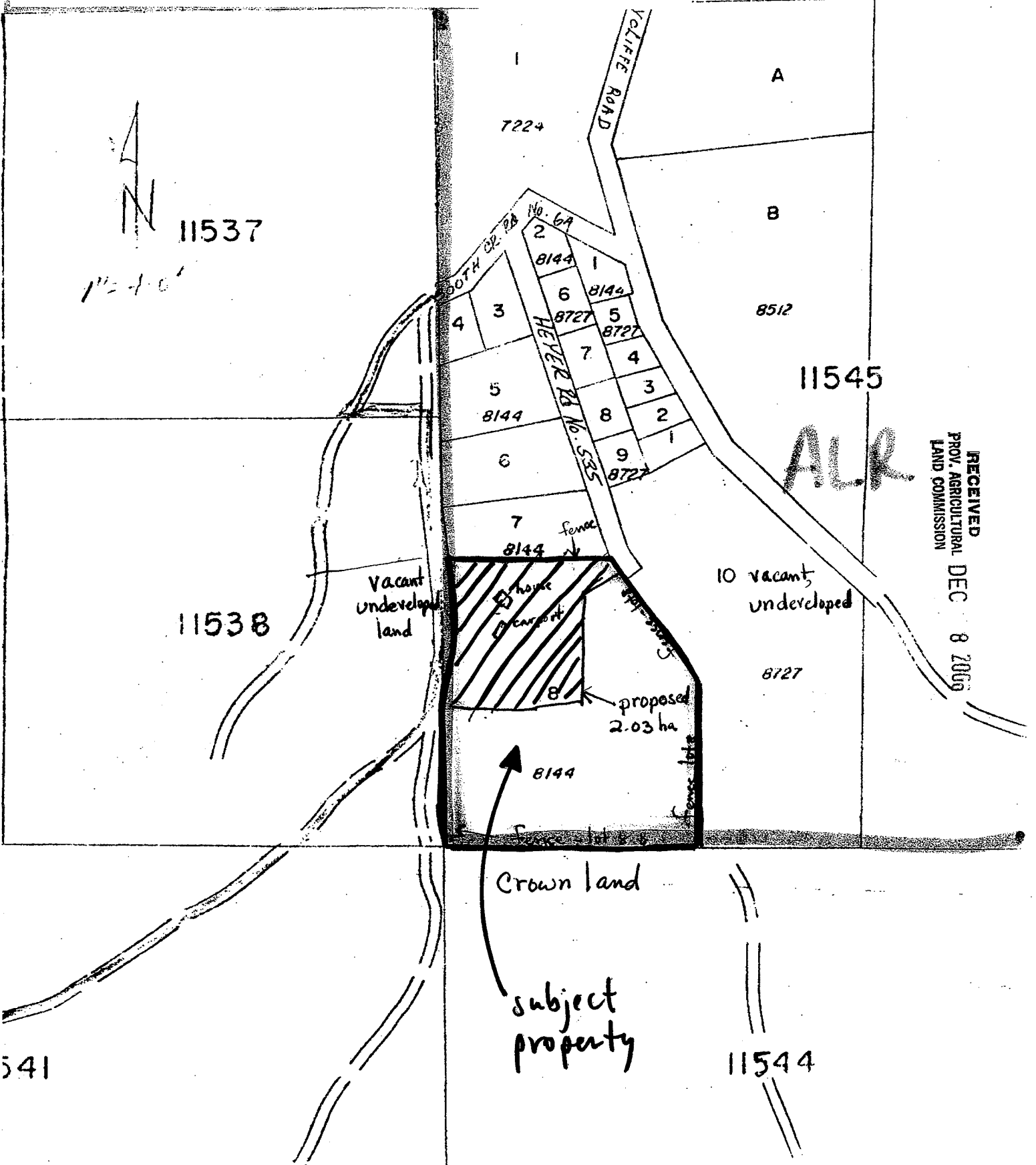


Subject property



2 ha area approved for subdivision from the ALR

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ALR



11537

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10 vacant undeveloped

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Crown land

subject property

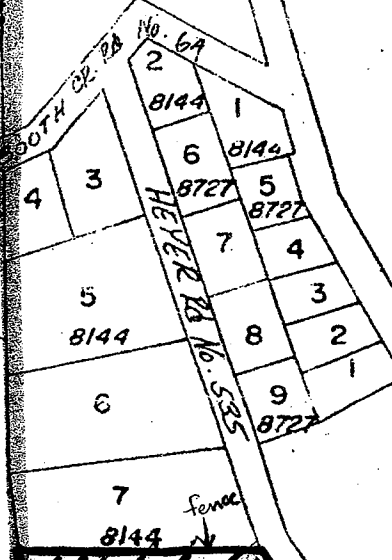
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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 20, 2007 in Cranbrook, 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 - 37115
Applicant: Pieter and Jeannette Oostlander
Proposal: To subdivide a 2 ha lot from the 5.9 ha subject property. The applicants intend to sell the 2 ha lot and construct a new home on the 3.9 ha remainder.
Legal: Lot 8, District Lot 11545, Kootenay District, Plan 8144
Location: 6471 Heyer Road, Wycliffe Area

Site Inspection

A site inspection was conducted on March 20, 2007. Those in attendance were:

- Commissioners: Monika Marshall, Carmen Purdy, D. Grant Griffin
- Staff: Roger Cheetham, Terra Kaethler
- Applicants: Pieter and Jeannette Oostlander

The Oostlander's confirmed that the staff report dated March 6, 2007 was received and no errors were identified.

The Commission viewed the property and discussed with the applicant that they appeared to qualify under the *Homesite Severance Policy*. The Commission informed the applicant that proof of ownership and occupancy since December 21, 1972 would be required.

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 that the property is in a rural residential area and the proposed subdivision conforms to minimum lot size. The Commission determined that the proposed subdivision would have little impact on agriculture.

The Commission also noted that the purpose of the *Homesite Severance Policy* is to provide a consistent approach to situations where property under application has been the principal residence of the applicant as owner-occupant since December 21, 1972 and the applicant wishes to dispose of the parcel but retain a homesite on the land. Although the applicants appear to be eligible under the policy, they are proposing to sell the homesite subdivision and relocate to the larger remnant parcel.

Given the size of the property and surrounding uses, the Commission had no objection to the proposal, in consideration of the *Homesite Severance Policy*. It should be noted that the Commission considers this approval as having fulfilled the objectives of the *Homesite Severance Policy* and will not consider future applications under the *Homesite Severance Policy*.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application to subdivide a 2 ha homesite from the 5.9 ha subject property be approved, subject to the following conditions:

- THAT documentation from the applicant proving ownership and occupancy since December 21, 1972 be provided.
- THAT the subdivision be in substantial compliance with the plan submitted with the application.
- THAT the applicants will not be eligible for any future consideration pursuant to the *Homesite Severance Policy*.

AND THAT the approval is granted to the applicants only and is valid for three (3) years from the date of this decision. Subdivision must be completed within this time frame.

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 # 119/2007



Staff Report
Application # L – 37115
Applicant: Pieter and Jeannette Oostlander
Location: Wycliffe

DATE RECEIVED: December 8, 2006

DATE PREPARED: March 6, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To subdivide a 2 ha lot from the 5.9 ha subject property. The applicants intend to sell the 2 ha lot and construct a new home on the 3.9 ha remainder.

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

BACKGROUND INFORMATION:

Although the applicants have not applied for a homesite severance, as they have owned and occupied the subject property since August 1972, they qualify for consideration under the *Homesite Severance Policy*.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 013-290-509
Lot 8, District Lot 11545, Kootenay District, Plan 8144

Purchase Date:

08/23/1972

Location of Property:

6471 Heyer Road, Wycliffe Area

Size of Property:

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

Present use of the Property:

Residence, garage, hayshed, pasture

Surrounding Land Uses:

WEST: Vacant
SOUTH: Crown Land
EAST: Vacant
NORTH: Residence (summer vacation)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Wycliffe Land Use Bylaw No. 873 (1989)
Designation: RR2 - Rural Residential (Small Holding) Designation
Minimum Lot Size: 2 ha

RELEVANT APPLICATIONS:

Application #11803-0

Applicant: Heyer Werner
Decision Date: February 10, 1981
Proposal: To exclude the 5.5 ha subject property from the ALR.
Decision: Refused.

Application #17202-0

Applicant: Joe & Lois Pocha
Decision Date: January 18, 1984
Proposal: To subdivide the 3.8 ha subject property into 2 lots of 1.2 and 2.6 ha.
Decision: Allowed on the grounds of low agricultural capability, no adjacent agricultural operations, and location on the edge of the ALR.

Application #17446-0

Applicant: Kenneth A. Bicknell
Decision Date: March 7, 1984
Proposal: To subdivide the 2.9 ha subject property into two lots of 1.2 ha and 1.7 ha.
Decision: Allowed on the grounds that the property is between Hwy 95 and old Kimberley Hwy, there are no agricultural operations nearby, and similar to approval to the west.

Application #31810-0

Applicant: Lois Pocha
Decision Date: February 23, 1998
Proposal: To subdivide the 2.6 ha property into 2 lots - one 0.4 ha lot which the applicant intends to give to her daughter and a 2.2 ha remainder.
Decision: Allowed.

Application #36681-0

Applicant: Lois & Tammy Pocha
Decision Date: June 27, 2006
Proposal: To subdivide 1 ha from the 1.2 property so they can sell it to pay for their property.
Decision: Allowed as the lot sizes are consistent with the surrounding area.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Area 'C' Advisory Planning Commission: Supports the application.

East Kootenay Regional District Planning Staff: The agricultural capability of the subject property is Class 5 and 6 with limiting subclasses of topography and stoniness and is not improvable. Recommend that the application be supported.

Agricultural Advisory Commission: Supports the application.

STAFF COMMENTS:

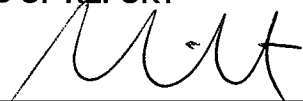
Staff suggests that the Commission approve the application on the grounds that:

- The applicants qualify for consideration under the *Homesite Severance Policy*.
- The subdivision would have little impact on agriculture on the subject property. From the airphoto, it appears as if the cleared area currently used for agriculture (horses) will be maintained in the proposed 2 ha lot.
- The subdivision would have little impact on agriculture on the surrounding properties. The properties to the south and west are not in the ALR, the properties to the north range from 0.2 to 0.8 ha in size, and the property to the east is undeveloped.

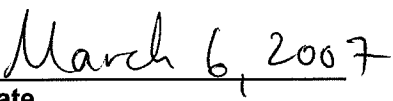
ATTACHMENTS:

- ALR Base Map 82 G/12
- Map showing proposed subdivision and surrounding properties
- Letter from applicants explaining proposal

END OF REPORT



Signature



Date

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10 vacant undeveloped

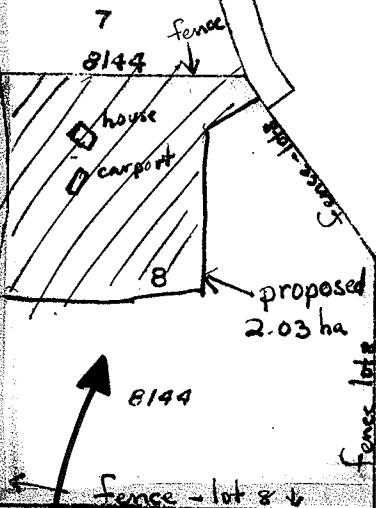
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ALL

751 WYCLIFFE ROAD

SOOTH CR. PA No. 6A
HEVER PA No. 535



Vacant undeveloped land

Crown land

subject property

11544

541



11540