



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

May 14, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37124

Regional District of East Kootenay
19 - 24th Avenue, South
Cranbrook, BC V1C3H8

Dear Sir/Madam:

Re: **Application to Exclude land from the Agricultural Land Reserve**
Baynes Lake Senior Centre (Your File #: P-705-222)

Please find attached the Minutes of Resolution # 159/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

Enclosure: Minutes/Sketch

TK/eg37124d1.doc

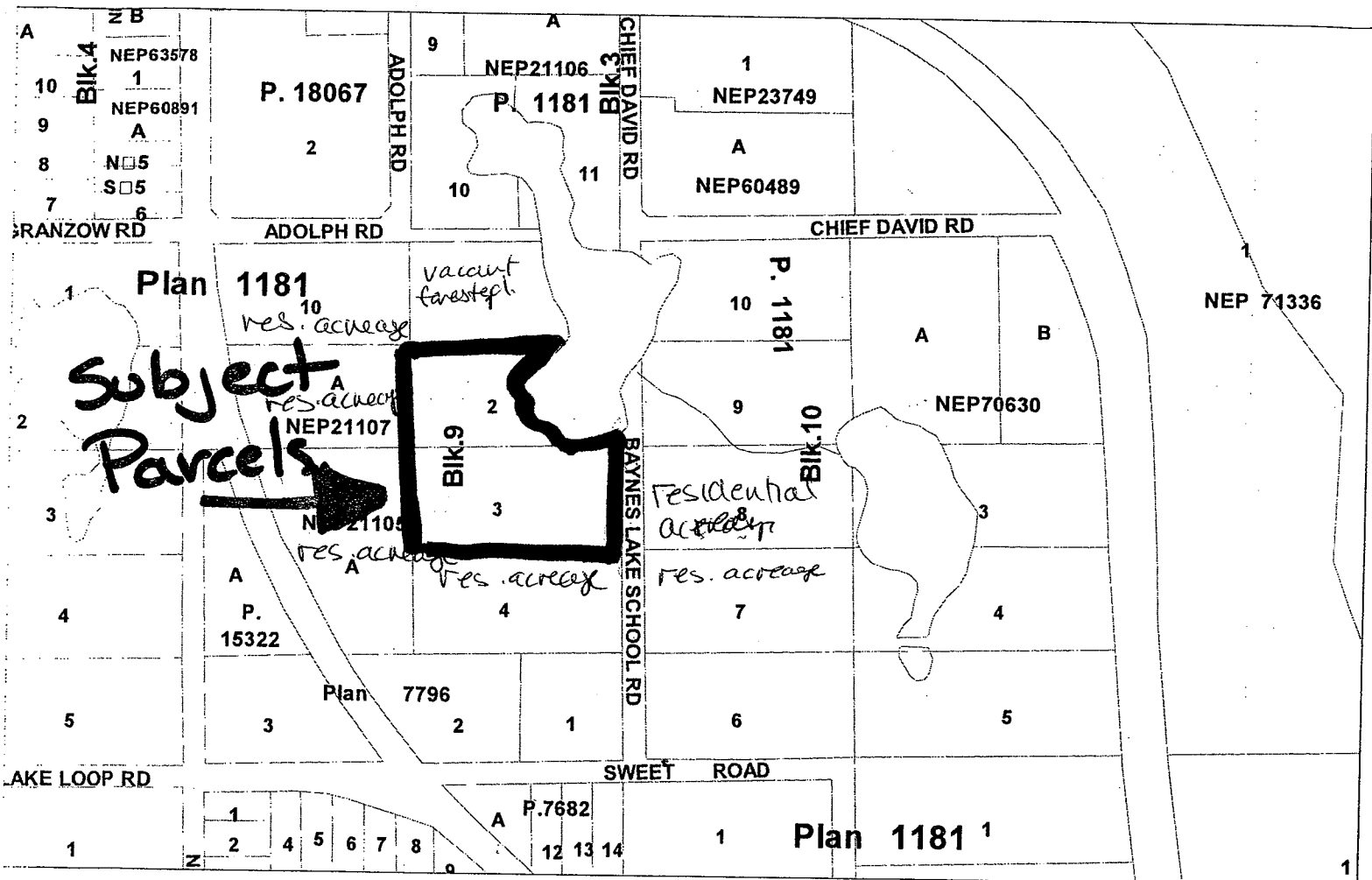
Provincial Agricultural Land Commission

Application # 37124

Resolution #159/2007



Subject properties approved for non-farm use





Staff Report
Application # L – 37124
Applicant: Regional District of East Kootenay
(Baynes Lake Seniors Centre)
Location: Baynes Lake

DATE RECEIVED: December 8, 2006

DATE PREPARED: March 6, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To exclude the two 2 ha subject properties to construct a 24-unit complex for seniors.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The properties are crown land (crown grant offer in process).

Local Government:

Regional District of East Kootenay

Legal Description of Properties:

Lot 2 & 3, District Lot 132, Block 9, Kootenay District, Plan 1181

Purchase Date:

Crown Grant offer in process

Location of Properties:

656 Baynes Lake School Road

Size of Properties:

Lot 2: 2 ha (The entire property is in the ALR)

Lot 3: 2 ha (The entire property is in the ALR)

Present use of the Properties:

Vacant

Surrounding Land Uses:

WEST: Residential Acreage
SOUTH: Residential Acreage
EAST: Residential Acreage
NORTH: Forested - Vacant Parcel

Agricultural Capability:

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

Official Community Plan/Zoning and Designation:

N/A

PREVIOUS APPLICATIONS:

Application #20563-0

Applicant: School District #1
Decision Date: October 20, 1986
Proposal: To exclude two properties of 2 ha each from the ALR as they are used for school rather than agricultural purposes and the School District wishes to be relieved of the ALR requirements.
Decision: Refused - but permission (pursuant to Section 20(1) of the Act) was granted to allow unfettered use and expansion for school purposes within the ALR. The Commission noted that the subject properties were in the middle of a large ALR area and the school is presently very small with classrooms from kindergarten to grade 4 only. It did not seem necessary to exclude the parcels in order for the school to continue to operate, even if expanded.

RELEVANT APPLICATIONS:

Application #37114-0

Applicant: Ed and Pat Thiessen
Decision Date: Currently before the Commission
Proposal: Subdivision for a relative or for sale. To subdivide the 2 ha subject property to create a 0.6 ha lot and a 1.4 ha residential remainder.

There have been numerous subdivision applications in this area. In general, the applications have been approved on the grounds of limited agricultural potential due to small size of the subject property and the fact that the area is rural residential with similar lot sizes.

However, when considering the most recent application in the area (#L-36928), the Commission noted that the local APC recommended the input of the area residents be sought prior to any decisions regarding future subdivision and residential densities in the Baynes Lake area. The Commission agreed that this would be a prudent piece of information to have prior to making a decision on the application, as any decision would likely influence the direction for future decisions in this area and tabled the decision pending receipt of report on public meetings.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: Authorized application for submission.

Advisory Planning Commission: In October 2004, supported the combined South Country communities' proposal to purchase the two lots for the purpose of seniors' housing.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS (continued):

Agricultural Advisory Committee: In October 2004, supported crown sale.

STAFF COMMENTS:

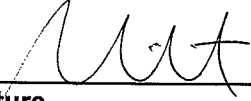
- The property has a history of non-farm use (elementary school). However, the extent of the impact of this use is no known (i.e. the area covered by buildings). A site visit would allow the Commissioners to assess the state of the subject properties and the impact a 24-unit complex would have on the surrounding ALR.
- The Commission has previously refused exclusion of the subject properties.

ATTACHMENTS:

- ALR Base Map #82G/3
- Map of surrounding land uses
- Letter outlining proposal (from applicant)
- Sketch map of proposal
- Air photo (provided by Regional District)

END OF REPORT

Signature



Date

