



Agricultural Land Commission
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April 24, 2007

Reply to the attention of Terra Kaethler
ALC File: #L - 37160

Cal McDougall
PO Box 1810
Sparwood, BC V0B 2G0

Dear Sir:

Re: **Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 121/2007 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

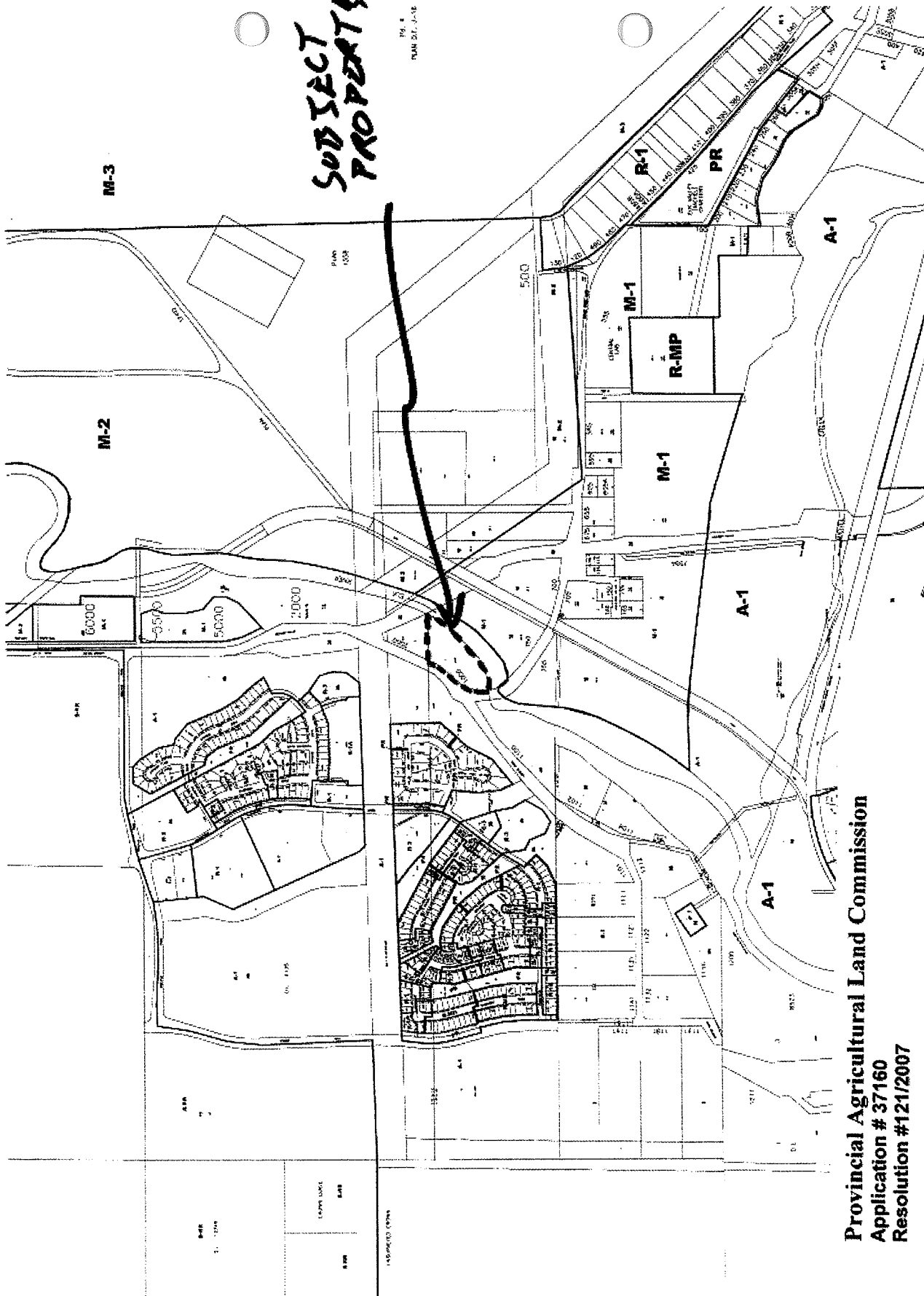
cc: District of Sparwood
Regional District of East Kootenay

Enclosure: Minutes/Sketch Plan

TK/lv
37160d1.

**SUBJECT
PROPERTY**

FIG. 1
DATE: 07-1-16



**Provincial Agricultural Land Commission
Application # 37160
Resolution #121/2007**

Area approved for temporary sales office in residence





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 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 - 37160
Applicant: Frank Rothel
Agent: Cal McDougall
Proposal: Non-farm use on the subject property to create a temporary sales office for a development approximately 1km to the north in Sparwood Heights
Legal: PID: 012-287-041
Lot 3, District Lot 6251, Kootenay District, Plan 11139, EXCEPT Part included in Plan 16879
Location: 1000 Matevic Road

Site Inspection

No site meeting was conducted.

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 considered that the proposal is for a temporary home occupation use within an existing building, and as such, is a permitted use under the *Agricultural Land Commission Act*, unless otherwise prohibited by a local bylaw. The Commission does not believe the proposal would impact existing or potential agricultural use of the property or surrounding lands.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Marshall

THAT the application be allowed;

AND THAT approval is subject to the completion of the non-farm use 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 # 121/2007



Staff Report
Application # L – 37160
Applicant: Frank Rothel
Agent: Cal McDougall

DATE RECEIVED: January 10, 2007

DATE PREPARED: March 9, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Non-farm use on the subject property to create a temporary sales office for a development approximately 1km to the north of Sparwood Heights.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

District of Sparwood

Legal Description of Property:

PID: 012-287-041

Lot 3, District Lot 6251, Kootenay District, Plan 11139, EXCEPT Part included in Plan 16879

Purchase Date:

07/01/1991

Location of Property:

1000 Matevic Road

Size of Property:

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

Present use of the Property:

Residence

Surrounding Land Uses:

WEST: Barn on approximately 1.6 ha
SOUTH: Elk River
EAST: Residential Acreages
NORTH: Residential Subdivision

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/10
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 869 (2002)

Zoning Bylaw and Designation:

Zoning: Bylaw No. 264 (1981)
Designation: Temporary Commercial and Industrial
Minimum Lot Size: 2.0 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Council of the District of Sparwood: Forwarded the application with a recommendation of support

Local Government Staff: Although the subject property is in the A-1 zone (Agriculture), the OCP allows Council at its discretion to permit a non-farm use on the property through a temporary commercial and industrial permit. The permit shall not exceed two years


STAFF COMMENTS:

- Staff recommends the application be approved on the grounds that the proposal is for a temporary home occupation use within an existing residence. Home occupation is a permitted use under the *Agriculture Land Commission Act*, unless otherwise prohibited by a local government bylaw.

ATTACHMENTS:

- ALC Base Map #82G/10
- Map of Property

END OF REPORT



Signature

3/9/07

Date