

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

June 4, 2007

Reply to the attention of Terra Kaethler ALC File: # L - 37281

Steidl Kambeitz 201 - 907 Baker Street Cranbrook, BC V1C 1A4

Attention: Kenneth Steidl

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 227/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client 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

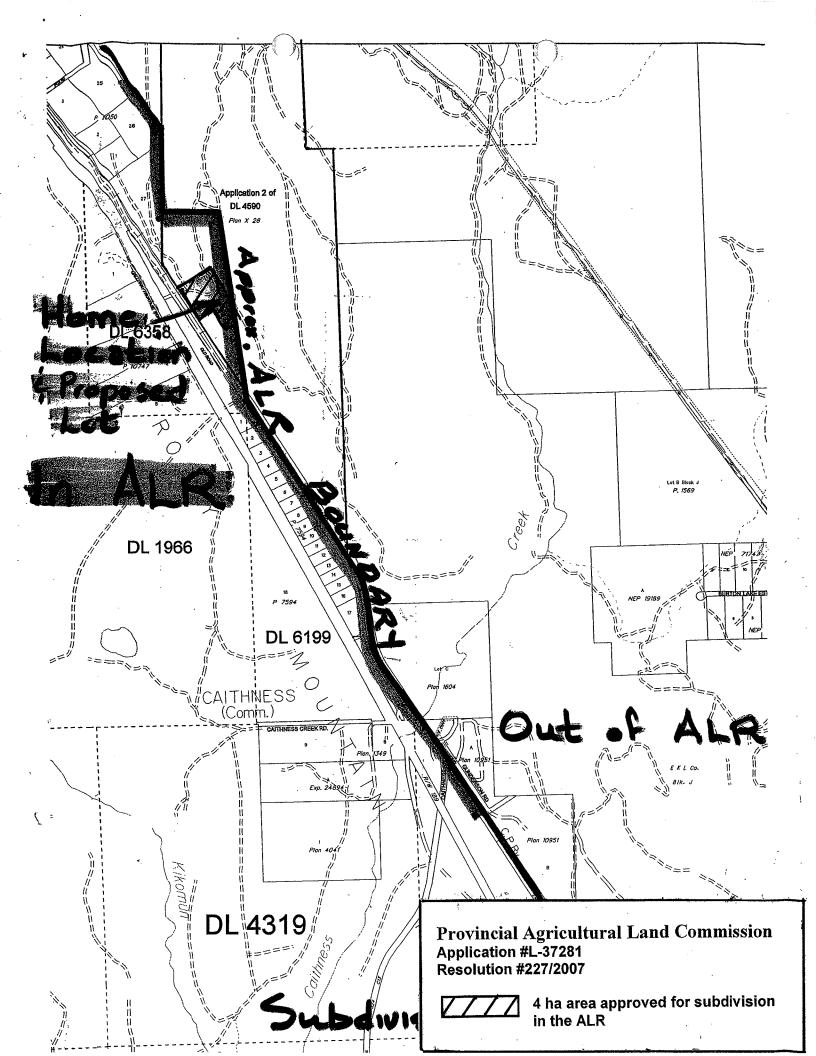
Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-225)

Enclosure: Minutes/Sketch Plan

TK/lv 37281d1





# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 16, 2007 in Cranbrook, BC.

PRESENT:

Monika Marshall

Chair, Kootenay Panel

Carmen Purdy D. Grant Griffin

Commissioner Commissioner

Brandy Ridout

Staff

# For Consideration

Application:

# L - 37281

Applicant:

David Mader

Agent:

Steidl Kambeitz

Proposal:

To subdivide the 202.4 ha parcel to create a 4 ha homesite

severance leaving a 198.4 ha remainder intended to be sold along

with ten other holdings.

Legal:

PID: 014-781-719

Application Number 2, District Lot 4590, Kootenay District, Plan X28

Location:

8020 Rock Creek Road, Galloway Area

# Site Inspection

A site inspection was conducted on May 14, 2007. Those in attendance were:

Monika Marshall

Chair, Kootenay Panel

Carmen Purdy

Commissioner

• D. Grant Griffin

Commissioner

Brandy Ridout

Staff

David Mader

Applicant

Mr. Mader confirmed that the staff report dated May 2, 2007 was received and no errors were identified.

During the site visit the Commission discussed with the applicant the size of the requested lot as it typically prefers a smaller homesite lot. The applicant pointed out that the proposed lot was 4 ha so that it would include the two existing houses on 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.



# Staff Report Application # L - 37281 Applicant: David Mader Agent: Steidl Kambeitz

DATE RECEIVED: March 09, 2007

DATE PREPARED: May 2, 2007

**TO:** Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide the 202.4 ha parcel to create a 4.0 ha homesite severance

leaving a 198.4 ha remainder intended to be sold along with ten other holdings. This application is made pursuant to section 21(2) of the

Agricultural Land Commission Act.

# BACKGROUND INFORMATION:

The applicant currently owns 10 other properties in the area which are in the process of being sold to C.D. Reay & Sons Ltd.

# **Local Government:**

Regional District of East Kootenay

# **Legal Description of Property:**

PID: 014-781-719

Application Number 2, District Lot 4590, Kootenay District, Plan X28

### **Purchase Date:**

January 1968

### **Location of Property:**

8020 Rock Creek Road, Galloway Area

# Size of Property:

202.4 ha (Approximately 10 ha of the property is in the ALR).

# Present use of the Property:

Grazing, hay crop and house

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# **Surrounding Land Uses:**

WEST:

Field and Crown Land

SOUTH:

Railway and Highway

EAST:

Crown

NORTH: Crown Land

### **Agricultural Capability:**

Data Source:

Agricultural Capability Map # 82G/6

The majority of the property is identified as having Secondary ratings.

# Official Community Plan and Designation:

OCP: None

# **Zoning Bylaw and Designation:**

Zoning: None

# RELEVANT APPLICATIONS:

### Application #35345-0

Applicant:

Ball, Vernon & Monica

**Decision Date:** 

May 06, 2004

Proposal:

To operate a small sawmill operation of the back of the subject property.

Decision:

Allowed as proposed.

### Application #36817-0

Applicant:

Ball, Vernon & Monica

**Decision Date:** 

October 18, 2006

Proposal:

To subdivide the 8.1ha property into a 6.1 ha lot and a 2 ha lot.

Decision:

Allowed as requested - no impact on agriculture

# 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 for Area B supported the application as presented.

### **Agricultural Advisory Commission:**

Accepted the application as presented.

# **Local Government Staff:**

That the subdivision to create a home site for the owner be supported with the condition that the hay fields and agricultural lands are left intact.

# STAFF COMMENTS:

It is recommended that the Commission consider the following:

- It appears that the applicant qualifies for consideration under the Homesite Severance Policy.
- The applicant currently owns at least 10 other properties in the area. These properties range from 2 ha to 8 ha in size.
- The proposed homesite severance is around the Mader's current residence.

# ATTACHMENTS:

- 1. Aerial Photograph
- ALR Boundary and subdivision proposal
   Land Use Map illustrating other Mader Holdings in the area.

**END OF REPORT** 

