



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 28, 2005

Reply to the attention of Ron Wallace

Michael and Debbie Zamara
6047 Lang Road
Mayook (Wardner), BC V0B 2J0

Dear Sir/Madam:

Re: Application # L-36150
District Lot 2372, Kootenay District

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide ±8 ha off the above noted property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on October 11, 2005. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan and the 56 ha remainder containing most of Ha Ha Creek and its irrigation rights.
- compliance 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. The Commission suggests you contact the Regional District of East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution **#564/2005**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

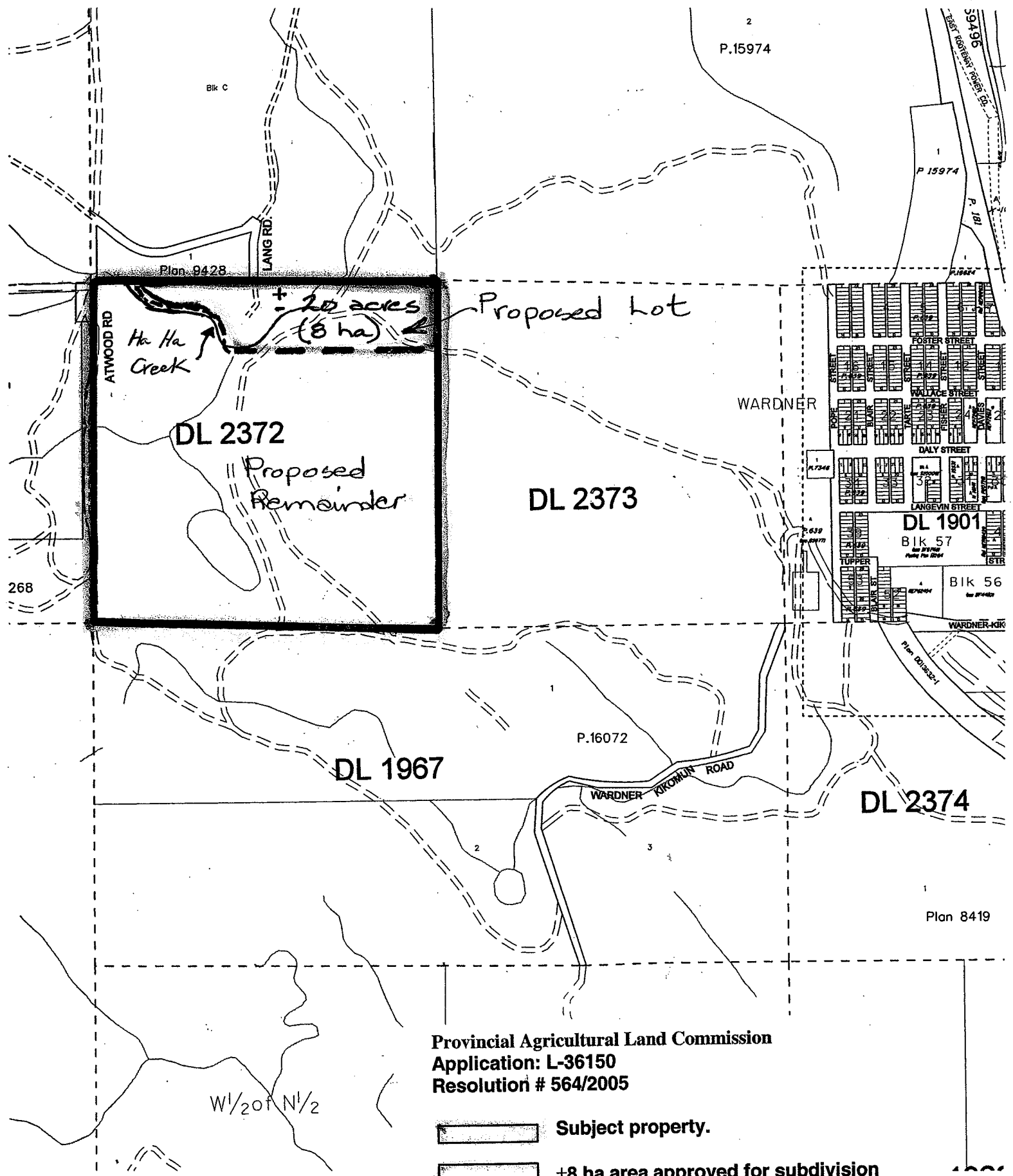
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-318
Approving Officer, Ministry of Transportation, Cranbrook
BC Assessment, Cranbrook

RW/lv/Encl./36150d1



Provincial Agricultural Land Commission
 Application: L-36150
 Resolution # 564/2005

- Subject property.
- ±8 ha area approved for subdivision

W 1/2 of N 1/2

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on October 12, 2005 in Castlegar, B.C.

PRESENT: Monika Marshall Chair
 Cheryle Huscroft Commissioner
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Regional Research Officer

For Consideration

Ron Wallace presented the staff report dated September 29, 2005 regarding application #L-36150, Michael and Debbie Zamara. The application is to subdivide the 64 ha parcel into one lot of 8 ha and a 56 ha remainder.

Site Inspection

A site inspection was conducted on October 11, 2005. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicant Michael Zamara

The Commission noted that the proposed lot follows the contours of Ha Ha Creek that runs through the property and which the applicant has irrigation rights.

The site inspection lasted from 11:00 a.m. to 11:30 a.m.

Commission Discussion

The Commission noted that the majority of the property has secondary agricultural capability ratings and that the proposed subdivision would not have significant implications on the agricultural potential of the property provided Ha Ha Creek and the irrigation rights from this creek stay with the farm parcel.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Huscroft

THAT the staff report be received and the application to subdivide ±8 ha off the subject property be approved provided the remainder parcel contains most of Ha Ha Creek and its irrigation rights.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED

Staff Report
Application # L – 36150 – 0
Applicant: Michael & Debbie Zamara

DATE PREPARED: September 29, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 64 ha parcel into one lot of 8 ha and a 56 ha remainder.

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

BACKGROUND INFORMATION:

The applicants wish to subdivide the property for the following reasons. Mr. Zamara will be retiring and needs a retirement income and more spare time. The applicants would like to stay in their home. They state that the land has poor agricultural capability and that none of the surrounding parcels are used for farming. The applicants also advise that although they have irrigation rights on Ha Ha creek, which runs through the property, irrigation rights have been overextended on the creek. The creek is over used by upstream users so there is insufficient water to run an irrigation system on his portion of the creek. The applicants also point out that there have been numerous subdivisions in the valley during the 17 years that they have lived there. They state that a rancher in the valley has already subdivided his ranch 4 or 5 times and recently sold a small acreage divided from his productive irrigated hay field where there is now a dwelling. The applicants state that they have had little success in expanding the pasture due to the water limitations.

The APC had recommended against using the creek as a boundary although it was noted the applicants would be prepared to give up water rights if the larger parcel was sold off.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 009-116-583
District Lot 2372, Kootenay District

Purchase Date:

July 1991

Location of Property:

6047 Lang Road - Mayook (just west of Wardner)

Size of Property:

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

Present use of the Property:

Residential, ranching (small cow/calf operation), 2 guest ranch rental cabins

Surrounding Land Uses:

WEST: Crown land (owner's grazing lease) (ALR)

SOUTH: Residential (1 small lot) the rest is vacant land - leased for grazing (ALR)

EAST: Residential (3 lots) (non-ALR)

NORTH: Crown land (woodlot) (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/6

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

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board of Directors: the Board of Directors reviewed this application and adopted a resolution in support of the application for subdivision within the ALR.

Advisory Planning Commission: The Advisory Planning Commission for Area C recommended the application be amended with the boundary being redrawn to exclude that portion of Ha Ha Creek that is west of the corner on the drawing where the line turns 90 degrees north, just continue the line north to the lot boundary. If the boundary is redrawn as suggested, the Commission was unanimous in its support and recommends approval

Planning Staff: Agricultural Capability is class 4, 5 and 6 with limiting subclasses of moisture deficiency, stoniness etc. The property has farm assessment.

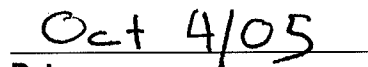
Agricultural Advisory Commission for Areas B & C: supports the APC recommendation.

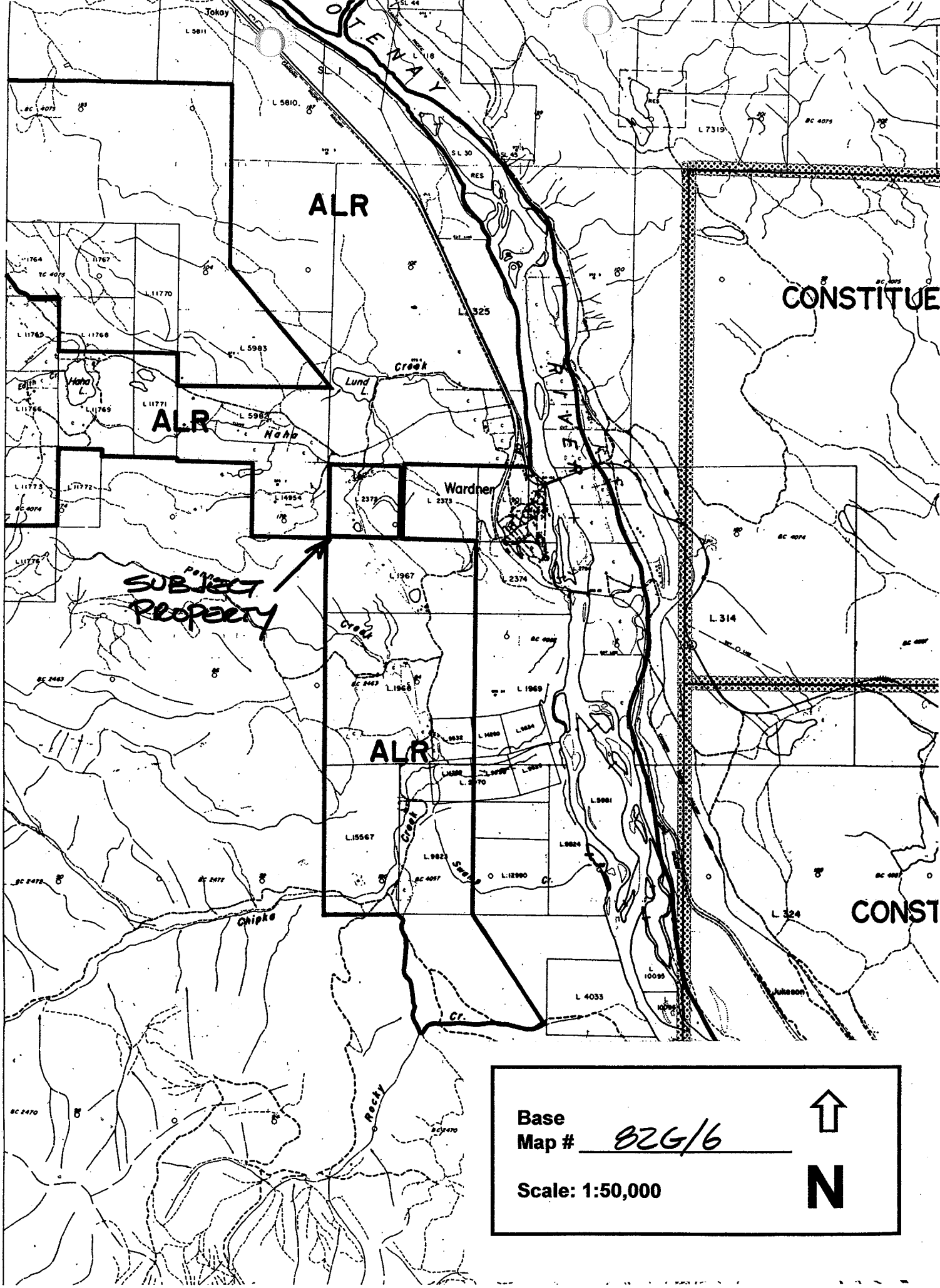
STAFF COMMENTS:

Staff recommend a site visit to determine the agricultural capability of the property and to assess the character of surrounding agricultural operations.

END OF REPORT


Signature


Date



SUBJECT PROPERTY

ALR

ALR

ALR

CONSTITUE

CONST

Base
Map # B2G/6

Scale: 1:50,000

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