



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

November 1, 2005

Reply to the attention of Ron Wallace

Horst and Siegrid Bieberbach
SS1-Site 7-Comp 27-1664 Stang Road
Fruitvale, BC V0G 1L0

Dear Sir/Madam:

Re: Application # Q-36208
Lot 139, District Lot 1236, Kootenay District, Plan 7851, Lying Southwest of a line parallel to and 187.5 feet distant from NorthEasterly Boundary of the said Lot, Except Part included in Plan NEP21394

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two parcels as divided by Stang Road. 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 12, 2005.

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

- the subdivision being in substantial compliance with the attached plan.
- 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 Kootenay Boundary at your earliest convenience.

The decision noted above is recorded as Resolution **#569/2005**.

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:

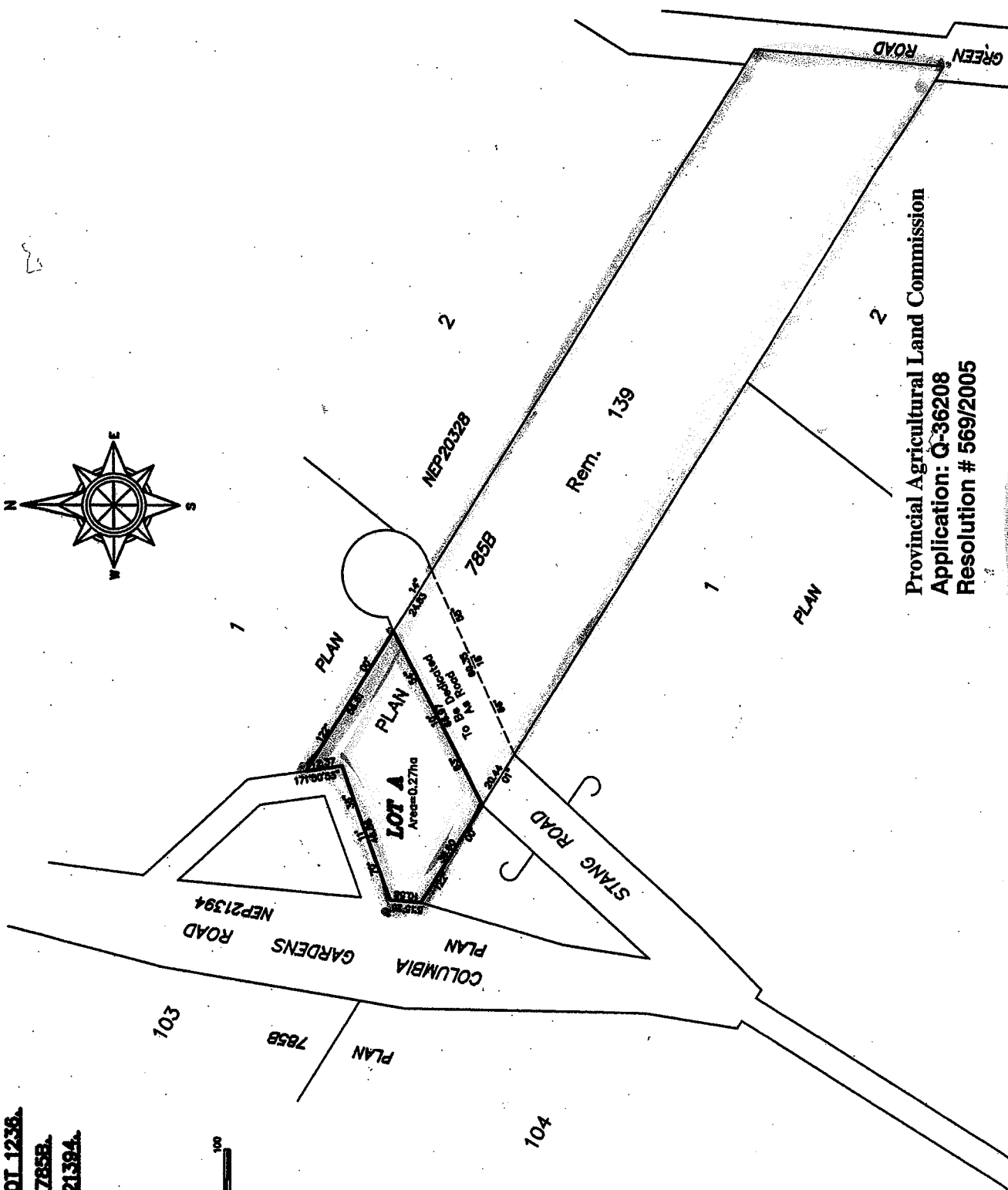
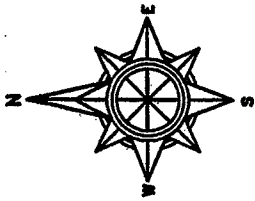
Erik Karlsen, Chair

cc: Regional District of Kootenay Boundary – A1236-05300-000
Approving Officer, Ministry of Transportation, Cranbrook
BC Assessment, Cranbrook

RW/lv/Encl./36208d1

**PLAN OF PROPOSED SUBDIVISION OF
PART OF LOT 139, DISTRICT LOT 1236,
KOOTENAY DISTRICT, PLAN 785B,
EXCEPT PART IN PLAN NEP21394.**

B.C.G.S. 82F 013



Provincial Agricultural Land Commission
Application: Q-36208
Resolution # 569/2005

 Subject property.

 Approved subdivision

This plan lies within the Kootenay

F 05-2000-0107 78 P2
 InterLand Surveying
 & Geomatics Inc.
 CHERRY & B.L. LANE SURVEYORS
 1870 Mountain Ave., Kelowna, B.C.
 Tel: 250-861-1161



Staff Report
Application # Q – 36208 – 0
Applicant: Horst & Siegrid Bieberbach

DATE PREPARED: September 29, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 1.9 ha property into two parcels as divided by a road.

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

BACKGROUND INFORMATION:

The applicants would like to subdivide a portion of the lot that lies between Stang Road and Columbia Gardens Road as per RDKB Bylaw No. 984, 1998 minimum parcel area exception 306(7). The subdivided lot would be 0.3 ha leaving a 1.6 ha remainder.

Section 306(70) states that parcels that are physically separated by an existing improved public road shall be permitted to be subdivided regardless of the minimum parcel size of the zone in which it is located. It further states that no parcel created pursuant to this section shall be less than 2000 m² where connected to community water. The proposed subdivision would be approximately 2700 m².

Local Government:

Regional District of Kootenay Boundary

Legal Description of Property:

PID: 016-031-521
Lot 139, District Lot 1236, Kootenay District, Plan 7851, Lying Southwest of a line parallel to and 187.5 feet distant from NorthEasterly Boundary of the said Lot, Except Part included in Plan NEP21394

Purchase Date:

September 1994

Location of Property:

1664 Stang Road, Fruitvale

Size of Property:

1.9 ha (The entire property is in the ALR)

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Columbia Garden's Road (non-ALR)
SOUTH: Residential (ALR)
EAST: Stang Road (ALR)
NORTH: Residential (non-ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/4
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Area A OCP Bylaw No. 950, 1997 designates the parcel as Rural Serviced B

Zoning Bylaw and Designation:

Zoning Bylaw No. 984, 1998 designates the parcel as Rural Serviced 2.
Minimum parcel size 2 ha.

RELEVANT APPLICATIONS:

Application #27343-0

Applicant: Crantz, Gordon, Tina & Penny
Decision Date: April 29, 1993
Proposal: To subdivide the property into two 2 ha parcels
Decision: Allowed

Application #14227-0

Applicant: Stang, Philip & Elisabeth
Proposal: To subdivide the 2 ha property into one 0.89 ha lot and one 1.11 ha lot as divided by the road.
Decision: Allowed on reconsideration

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

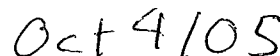
Regional District of Kootenay Boundary Board of Directors: The Regional Board supports the application.

Advisory Planning Commission: The APC members support the application.

END OF REPORT

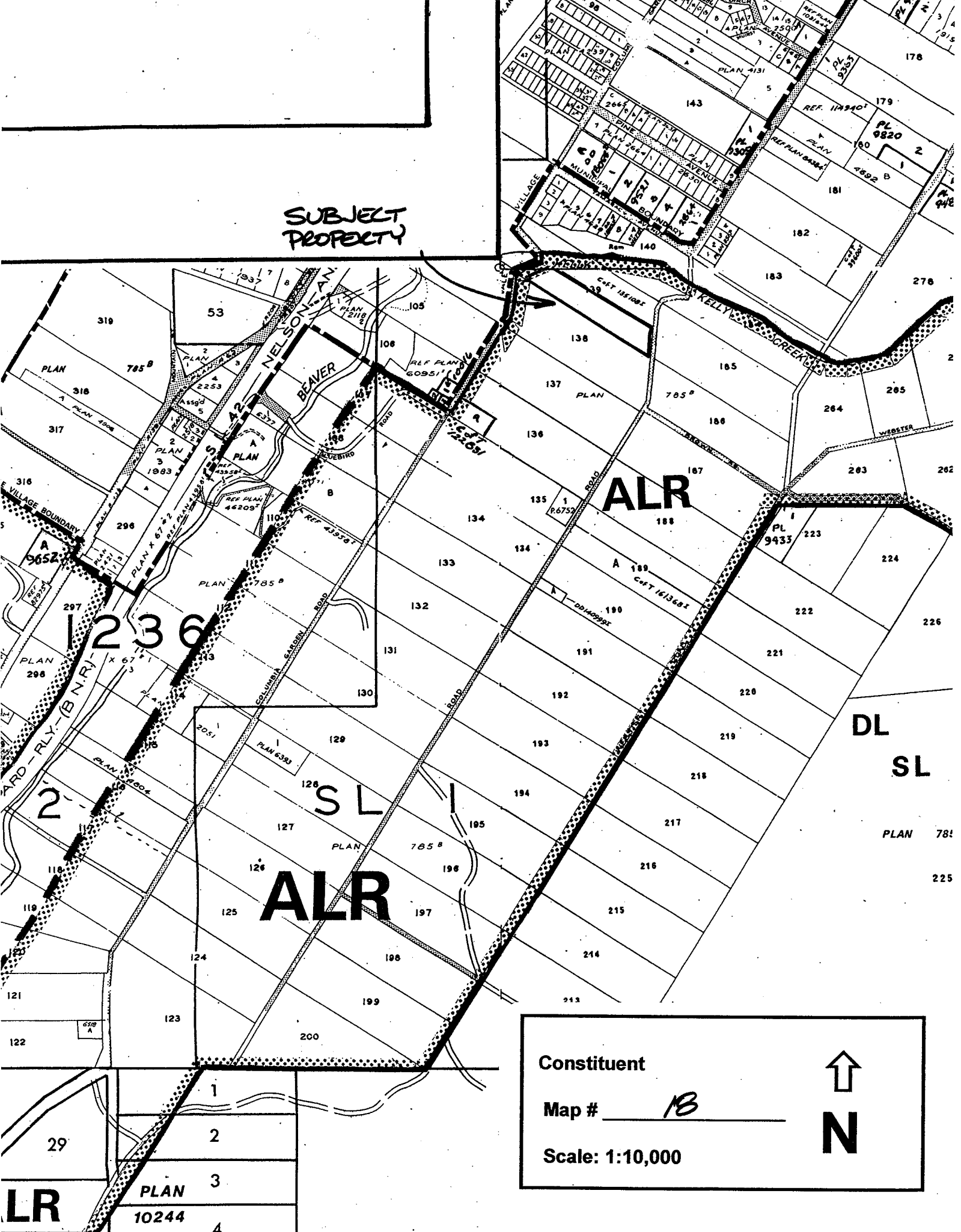


Signature



Date

SUBJECT PROPERTY



Constituent

Map # 18

Scale: 1:10,000



LR PLAN 10244