



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

March 28, 2006

Reply to the attention of Ron Wallace

Gordon & Deanna Campbell  
8054 Highway 3/93  
Cranbrook, BC V1C 7B2

Dear Sir/Madam:

Re: **Application #L-36313**  
**Lot A, District Lot 331, Kootenay District, Plan 11422**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide 0.8 ha off the above noted property for a family member. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on 3 March 2006.

It was noted that the proposed home site, 0.8 ha, is situated on top of a hill that is not useful for agriculture. However, the application was refused on the grounds that the Commission does not wish to create a rural residential lot into an area with typically larger parcels within the ALR.

For this reason, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution #135/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-324

RW/lv  
36313d1





**Staff Report**  
**Application # L – 36313**  
**Applicant: Gordon & Deanna Campbell**

**DATE PREPARED:** February 7, 2006

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To subdivide 0.8 ha off the subject property for the owners' daughter and son in law. There currently is a modular home on the proposed 0.8 ha lot with a septic system, well and hydro. The proposed home site is situated on top of a hill that is not useful for agriculture.

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

**BACKGROUND INFORMATION:**

There have been no applications involving the subject property.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

1. PID: 012-769-428  
Lot A, District Lot 331, Kootenay District, Plan 11422;

**Purchase Date (m/d/y):**

06/14/1978

**Location of Property:**

8054 Hwy 3/93, Cranbrook, BC

**Size of Property:**

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

**ALR Area:**

15.7 ha

**Present use of the Property:**

There is a house and mobile home on the property.

**Surrounding Land Uses:**

- WEST:** Rural residential, ranch land
- SOUTH:** Treed land, ranch land
- EAST:** Rural residential
- NORTH:** Highway 3/93, rural residential, ranch land

**Agricultural Capability:**

Data Source: Agricultural Capability Map #82G/5  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

None

**Zoning Bylaw and Designation:**

None

**RELEVANT APPLICATIONS:**

**Application #34613-0**

- Applicant:** Hills, Robert
- Decision Date:** March 20, 2003
- Proposal:** To subdivide the 53.5 ha subject property into one 5.4 ha lot and a 48.1 ha remainder.
- Decision:** Refuse as proposed on the grounds of agricultural capability and impact.

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**Application #34613-1**

- Applicant:** Hills, Robert & Clare
- Decision Date:** July 21, 2003
- Proposal:** Upon reconsideration it was determined there was a previous proposal, #L-16528, to subdivide the same 5.4 ha parcel along the CPR right of way with a 98.7 ah remainder. This was approved subject to the construction of the house on the proposed 5.4 ha lot east of Fenwick Road.
- Decision:** Allow as requested based on the Commission's previous decision in application L-16528.

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**Application #35525-0**

- Applicant:** Cloutier, Richard John
- Decision Date:** September 01, 2004
- Proposal:** To subdivide a 1.69 ha parcel into two parcels of approximately 0.7 ha and 1.0 ha
- Decision:** Allow as requested.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board**

The Regional Board adopted a resolution in support of the application for subdivision within the ALR.



### **Advisory Planning Commission**

The APC for Area C recommended approval as the land is on top of a gravely knoll with no real agricultural use.

### **Agricultural Advisory Committee**

The Agricultural Advisory Commission supports the application as presented.

### **STAFF COMMENTS:**

Staff recommends the Commission consider the following:

- The agricultural capability of the property is class 6 and class 5 with topography and stoniness limitations
- Most of the parcels in the local area within the ALR range from 10 ha to 54 ha, there is one 2 ha lot adjacent the subject property north of highway 3/93.
- An approval for the proposed subdivision would set a precedent in the area for similar requests and potentially impact land prices within the ALR.

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**END OF REPORT**

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**Signature**

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**Date**

