



Agricultural Land Commission
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March 22, 2006

Reply to the attention of Ron Wallace

Dinah Stanley & Fred Easton
RR3, S37, C7
Nelson, BC V1L 5P6

Dear Sir/Madam:

Re: **Application #F-36326**
Amended Lot 17 (see 1266481 and 1266431) District Lots 6894 and 6899
Kootenay District Except that Part Included in Plans R211, R113 and 18057

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude a 0.8 ha portion of the property from the ALR bordering Highway 31 and secondly to further subdivide the remaining 2.8 ha into two parcels, leaving both in the ALR. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on 1 March 2006. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application to exclude 0.8 ha from the ALR subject to:

- the preparation of a subdivision plan to delineate the area to be excluded as shown on the attached drawing.
- 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 Central Kootenay at your earliest convenience.

However, as the property levels off further northward from the highway with two relatively flat benches with some potential for agriculture, the Commission felt subdivision would not be in the best interest of agriculture with the creation of two rural residential lots. For this reason the Commission refused the proposal to subdivide the remaining 2.8 ha into two parcels, leaving both in the ALR.

The decision noted above is recorded as Resolution **#122/2006**.

Please send two (2) paper prints of the final survey plans, for the area to be excluded from the ALR, 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 and confirm the exclusion of the area from the Agricultural Land Reserve Plan of the Regional District of Central Kootenay.

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Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay – 4035-20-A0520E-21850

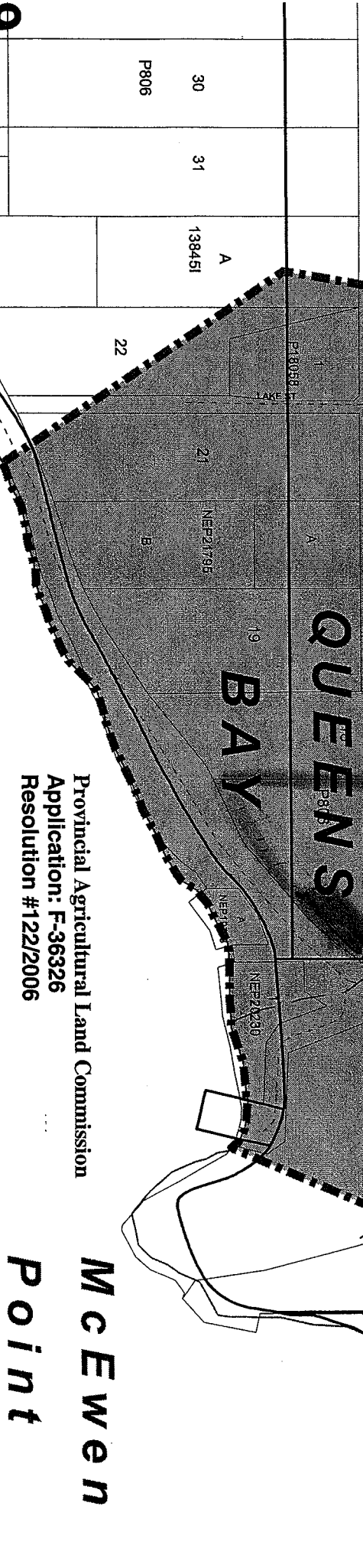
RW/lv/Encl.
36326d1.

L6894

ALR Boundary

L7080

ALR



Provincial Agricultural Land Commission
 Application: F-36326
 Resolution #122/2006

McEwen
Point

Subject property.

±0.8 ha area approved for exclusion from the ALR.

25	A	24	727041
30		31	
P806		A	138451

9

Elevation: 640 m.

LOT 18

LOT 17
(PROPOSED PARCEL A)

(PROPOSED PARCEL B)

Lauder Road

Ross Creek

INTAKE FOR IRRIGATION WATER LICENCE

Existing Access Road
(PROPOSED PARCEL C)

Proposed Water Supply

EASEMENT PROPOSED (WATER)

Land Road (RW)

PROPOSED PRIMARY AND SECONDARY SEPTIC FIELD AREAS

Perc Holes

Studio

Proposed Power Supply

Garage

House

Shed

Driveway

15% to Flat

Perc Secondary Field

Existing Septic Field

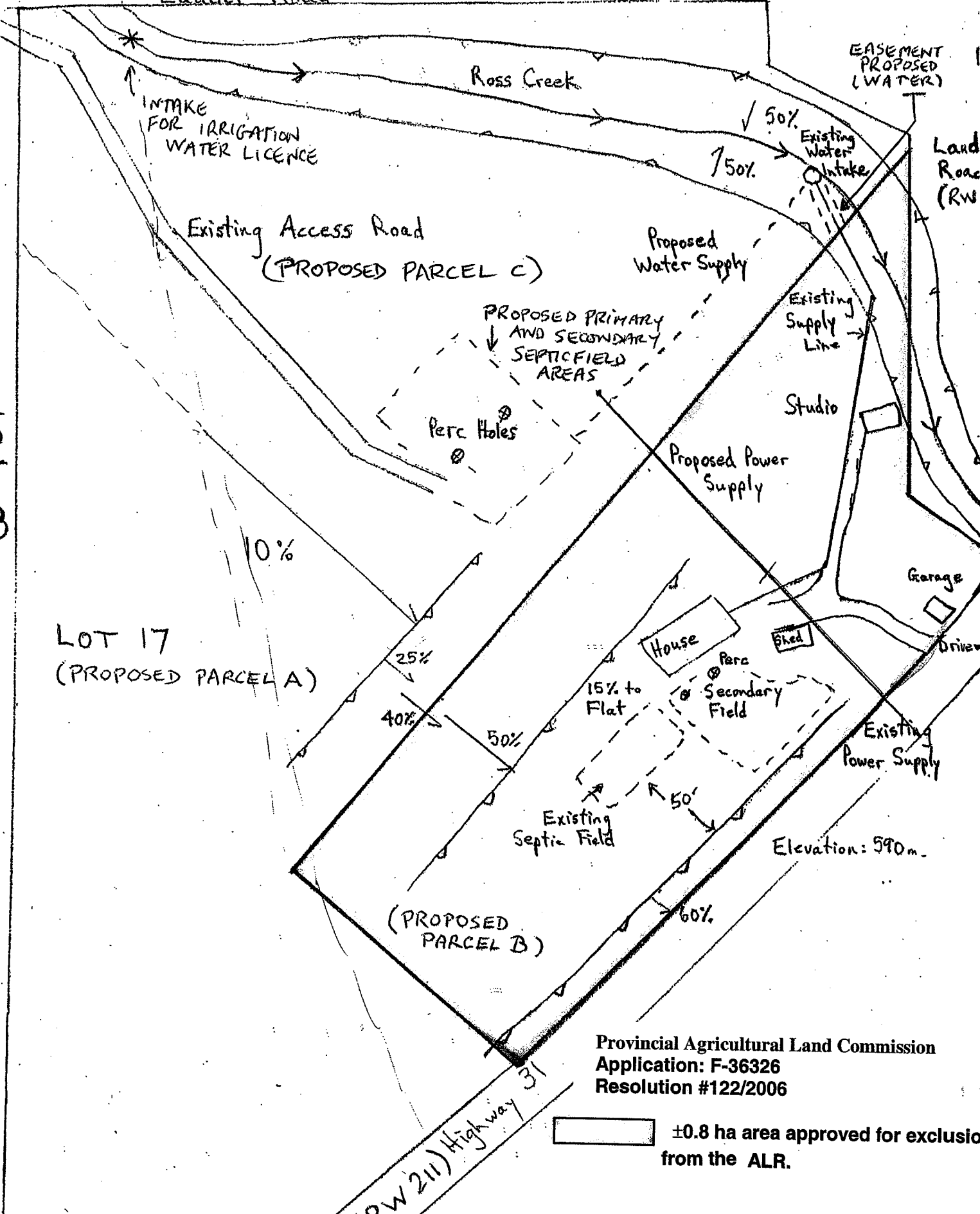
Existing Power Supply

Elevation: 590 m.

(RW 211) Highway 31

Provincial Agricultural Land Commission
Application: F-36326
Resolution #122/2006

±0.8 ha area approved for exclusion from the ALR.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 2 March 2006 in Cranbrook, 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 3 February 2006 regarding application #F-36326, Dinah Stanley & Fred Easton. The application is two fold: 1) To exclude a 0.8 ha portion of the property from the ALR bordering Highway 31 and 2) To further subdivide the remaining 2.8 ha into two parcels, leaving both in the ALR.

Site Inspection and Exclusion Meeting

A site inspection was conducted on 1 March 2006. Those in attendance were:

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

It was noted that the proposed homesite is sloped up from Highway 31 with no agricultural potential. The property levels off further northward from the highway with two relatively flat benches with some potential for agriculture.

The site inspection and exclusion meeting lasted from 9:30 a.m. to 10:00 a.m.

Commission Discussion

In recalling the on-site inspection of the property the Commission noted the area (i.e., home-site) proposed for exclusion from the ALR has sloping topography, rocky soil conditions and thereby has no significant agricultural potential. However, as the property levels off further northward from the highway with two relatively flat benches with some potential for agriculture, the Commission felt subdivision would not be in the best interest of agriculture with the creation of two rural residential lots.

IT WAS

MOVED BY: Commissioner M. Marshall

SECONDED BY: Commissioner C. Huscroft

THAT the staff report be received and the application to exclude approximately 0.8 ha from the ALR as proposed be approved. However, the proposal to subdivide the remaining 2.8 ha into two parcels was refused on the grounds that it felt subdivision would not be in the best interest of agriculture with the creation of two rural residential lots.

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

CARRIED



Staff Report
Application # F – 36326
Applicant: Dinah J. Stanley &
C. Frederick Easton

DATE PREPARED: February 3, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The proposal is two fold: 1) To exclude a 0.8 ha portion of the property from the ALR bordering Highway 31 and 2) To further subdivide the remaining 2.8 ha into two parcels, leaving both in the ALR.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There has been one previous application on the subject property made in 1988 wherein a small portion of the property south of Highway 31 was subdivided off and then consolidated with an adjacent property as noted below under previous applications.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

1. PID: 012-159-042
Amended Lot 17 (see 1266481 and 1266431) District Lots 6894 and 6899 Kootenay District
Except that Part Included in Plans R211, R113 and 18057

Purchase Date (m/d/y):

01/01/1989

Location of Property:

1975 Hwy 31, Queens Bay

Size of Property:

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

Present use of the Property:

The property has two flat benches separated by a steep incline. The upper bench has a wooded area and a cleared meadow. The lower bench has a dwelling, two 'out' buildings and garden area.

Surrounding Land Uses:

WEST: Rural residential lot
SOUTH: Hwy 31, Queens Bay
EAST: Rural treed land
NORTH: Rural residential lot

Agricultural Capability:

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

Official Community Plan and Designation:

None

Zoning Bylaw and Designation:

None

PREVIOUS APPLICATIONS:

Application #22194-0

Applicant: Riseborough, G D
Decision Date: June 13, 1988
Proposal: To subdivide a 0.2 lot from the 4.4 ha property and consolidate it with a neighbours small cottage property to form a new lot of 0.268 ha.
Decision: Allowed as proposed.

RELEVANT APPLICATIONS:

Application #27275-0

Applicant: HEARNE, JAMES & COLLEEN
Decision Date: June 24, 1993
Proposal: To exclude the 4 ha property from the ALR in order to construct a second dwelling.
Decision: Refuse as proposed on the grounds the property has reasonably good agricultural capability.

Application #32639-0

Applicant: Fitchett, Gordon & Patricia
Decision Date: May 19, 1999
Proposal: To subdivide a 1.6 ha lot containing a mobile home from the 7.3 ha property
Decision: The Commission allowed the subdivision of a 1.2 ha lot from the property on the grounds that it had permitted similar requests in the surrounding area.

Application #24757-0

Applicant: Offerman, Peter
Decision Date: September 04, 1990
Proposal: To subdivide the 11 ha parcel into one 1 ha lot, one 2 ha lot and two lots of 4 ha. About 6 ha of the property lies within the ALR.

Decision: Refuse as proposed but that permission be provided to subdivide into three lots, one of which would lie wholly outside the ALR, and another as divided by Queens Bay Wharf Rd.

Application #24757-1

Applicant: Offerman, Peter

Decision Date: January 14, 1992

Proposal: To reconfigure the approved three lot subdivision: one 0.7 ha lot, one 2.5 ha lot and one 7.3 ha lot.

Decision: Allow as requested

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board forwarded application pursuant to Board /resolution 456/98

STAFF COMMENTS:


Staff recommends that the Commission consider the following:

- The property has two relatively flat benches that are separated by steep topography. The agricultural capability ratings are 70% Class 3 and 30% Class 4 with some topography limitations.
- There is a letter from a local resident who has expressed some objection to the application (copy enclosed).
- An on-site inspection will benefit the Commission in determining the merits of the application.

END OF REPORT



Signature



Date