



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

March 16, 2006

Reply to the attention of Ron Wallace

City of Cranbrook
40 – 10th Avenue S.
Cranbrook, BC V1C 2M8

Dear Sir/Madam:

Re: Application #L-36353
Lot 5, District Lot 3556, Kootenay District, Plan 1241

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted property from the ALR for the purpose of residential development. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application. The above noted property shown on the attached map is excluded from the Agricultural Land Reserve Plan of the Regional District of East Kootenay.

The decision noted above is recorded as Resolution #97/2006.

It is a condition of this approval that the owner or occupier must comply 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.

By way of a copy of this letter this is to advise the Registrar of Land Titles of the exclusion of the above noted property from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay – P705-327
607047 BC Ltd, 607-34th Avenue, South, Cranbrook, BC – V1C6L9
Registrar of Land Titles - Kamloops

RW/lv/Encl./36353d1

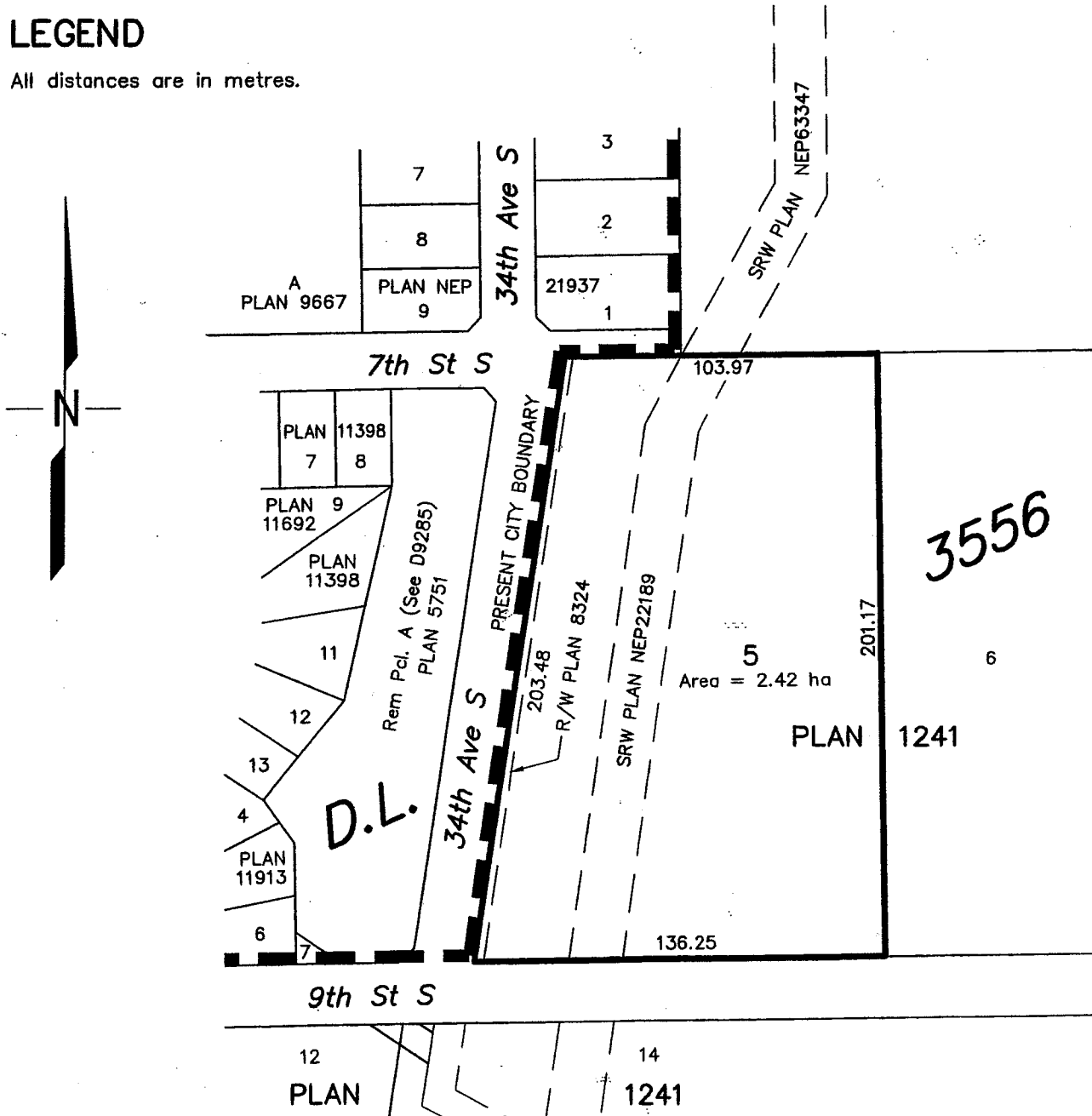
SKETCH PLAN TO ACCOMPANY APPLICATION TO THE AGRICULTURAL LAND COMMISSION FOR LOT 5, PLAN 1241, D.L. 3556, KOOTENAY DISTRICT



SCALE: 1 : 2000

LEGEND

All distances are in metres.



RECEIVED

005

Provincial Agricultural Land Commission
 Application: L-36353
 Resolution #97/2006

Subject property approved for exclusion from the ALR.



Staff Report
Application # L – 36353
Applicant: City of Cranbrook
Agent: 607047 BC Ltd.

DATE PREPARED: February 9, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The City of Cranbrook is proposing to exclude the 2.4 ha property from the ALR for the purpose of residential development.

The subject property was purchased by the City of Cranbrook in 1996 to enable the installation of a water trunk line. The City is now making application to bring the property within the City limits to enable completion of the proposed residential development.

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

BACKGROUND INFORMATION:

There have been two previous applications on the subject property as noted below under previous applications.

The subject property was purchased by the City of Cranbrook in 1996 to enable the installation of a water trunk line. The city is now making application to bring this property into City limits to enable completion of one block of serviced residential development. Without incorporation within the City and removal from the ALR, only one-half of a city block (i.e., one side of the street) may be constructed which is impractical and cost prohibitive.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 007-810-440
Lot 5, District Lot 3556, Kootenay District, Plan 1241;

Purchase Date (m/d/y):

04/09/1996

Location of Property:

South 9th Street, Cranbrook

Size of Property:

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

Present use of the Property:

Vacant

Surrounding Land Uses:

WEST: Vacant urban residential
SOUTH: Parkland
EAST: Rural small holdings, residential
NORTH: Urban residential and vacant crown land

Agricultural Capability:

Data Source: Agricultural Capability Cranbrook Project
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Cranbrook Official Settlement Plan Designation of Agriculture and Urban Fringe of Cranbrook

Zoning Bylaw and Designation:

Rural Residential (Small Holding) (RR-2), 2 ha minimum lot size

PREVIOUS APPLICATIONS:**Application #06718-0**

Applicant: Baynes Management Ltd
Decision Date: August 15, 1978
Proposal: To exclude the subject property for residential development.
Decision: Refused on the grounds that the parcel has capability for agriculture and lies adjacent to a large block of class 2 land to the south and east.

Application #06718-1

Applicant: Baynes Management Ltd
Decision Date: February 22, 1979
Proposal: To reconsider the application for exclusion as the subject property is a necessary part of their residential development to the west.
Decision: Refused on the grounds the property has capability for agriculture.

Application #12673-0

Applicant: Johnson, Albert & Edith
Decision Date: November 24, 1981
Proposal: To exclude the subject property in order to be incorporated within the boundaries of the City of Cranbrook and subdivided for residential purposes. The applicants state that the property is too small to form a profitable farm unit and that the land is unsuitable for agriculture.
Decision: Refused on the grounds that the property has sufficient agricultural potential to warrant retention within the ALR as well as being contrary to the OSP for the area.

RELEVANT APPLICATIONS:

Application #30856-0

Applicant: Cranbrook

Decision Date: October 31, 1996

Proposal: To dedicate and construct a water main right of way (15 meters wide) through the ALR and reserve a road right of way for future arterial construction. The road right of way would be approximately 30 meters wide but would use the existing water main Right of Way.

Decision: The Commission allowed both the water main Right of Way and the new road alignment subject to fencing of the road R/W and weed control of the water main R/W. Its rationale was that this land had minimal agricultural capability and lay on the edge of the ALR up against the urban boundary. In addition the cleared water main Right of Way would improve cattle grazing in the community forest.

Application #33960-0

Applicant: Cranbrook Golf Club

Decision Date: November 02, 2001

Proposal: To excavate and construct a water reservoir on the golf course for on site irrigation purposes. Reservoir to be charged from onsite well. Fill to be deposited and reclaimed on abandoned land fill site. Fill material will be spread to a depth of 1 meter

Decision: Allow as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board reviewed this application at its meeting on November 4, 2005. The Board adopted a resolution in support of the application for exclusion.

Advisory Planning Commission

The Advisory Planning Commission for Area C supports the application.

Agricultural Advisory Committee

The Agricultural Advisory Commission supports the application as presented.

Local Government Staff

The subject property will be included in the City of Cranbrook for development of urban residential lots. The RDEK passed a resolution to support a City of Cranbrook proposed boundary expansion.

STAFF COMMENTS:

Staff recommends that the Commission consider the following:

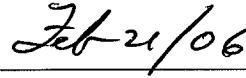
- The Commission has on several occasions opposed the expansion of the boundaries of the City in the Gold Creek area believing the area to have agricultural potential. However when considering the application under 34729 in 2003 (Hurtak) the Commission questioned the agricultural value of this area in view of its parcelisation into 2 ha lots.
- There have been two previous applications for exclusion on the subject property. Both of these applications were refused as noted above.

- As a result of the subject property's location adjacent to the City of Cranbrook, this is the third application to exclude it for residential development.
 - Any consideration to approve exclusion of the property from the ALR for residential development should require buffering along the eastern and southern boundaries adjacent to the ALR beyond.
-

END OF REPORT



Signature



Date