



Agricultural Land Commission
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June 16, 2006

Please reply to the attention of Roger Cheetham

Linda Louise and Helen Morish
SS1, Site 29, Comp 2
Fruitvale, BC V0G 1L0

Dear Mesdames:

RE: Application #F-36357
PID: 023-633-565
Lot 2, District Lot 12304, Kootenay District, Plan NEP23567, EXCEPT Plan
NEP65781

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the subject property from the ALR for the purpose of building an additional dwelling. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on 30th May 2006. The Commission found the meeting and site visit informative. In particular the Commission noted that it is your intention to remove the existing mobile home once the present tenants have moved. The Commission also noted that the property is within an area that was retained in the ALR following an ALR review of the area in view of its agricultural potential.

For these reasons, the Commission refused your application as proposed.

However given the particular circumstances regarding the application the Commission has granted permission for an additional dwelling pending the removal of the mobile home when no longer occupied by the present tenants. This approval is subject to 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 Central Kootenay Regional District at your earliest convenience.

The property will remain in the ALR and be subject to the provisions of the *Agricultural Land Commission Act* and regulations except as provided by this approval.

The decision noted above is recorded as Resolution #285/2006.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Regional District of Central Kootenay (#a0523Hs-22219-025)

RC/lv/ /36357d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 30th May 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Roger Cheetham, Planning Officer

For Consideration

Roger Cheetham presented the staff report of Ron Wallace dated 18th May 2006 regarding application # F- 36357.

Site Inspection

A site inspection was conducted on 30th May 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Linda Louise, Applicant
- Helen Morish, Applicant

The Commission noted that the property is within a block of ALR that was retained within the reserve following the Slocan Valley ALR review. It also noted that the existing dwelling comprises an old mobile home that the applicants intend to remove when the present tenant moves away.

The site inspection lasted from approximately 9:00 a.m. to 9:30 a.m.

Commission Discussion: Having regard to the previous decision of the Commission to retain this block of land within the ALR the Commission did not support the exclusion of the property from the ALR. However it did not consider that the granting of an approval for an additional dwelling pending the removal of the mobile home would be prejudicial to the agricultural potential of the property.

IT WAS

MOVED BY: Commissioner M. Marshall
SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application be refused as presented.
THAT an additional dwelling be permitted on the property pending the removal of the mobile home when no longer occupied by the present tenants.

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

CARRIED



Staff Report
Application # F – 36357
Applicant: Linda Louise

DATE PREPARED: May 18, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To exclude the 2 ha subject property from the ALR for the purpose of building an additional dwelling for the owners to live in. There is a mobile home on the property that is currently rented out.

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

BACKGROUND INFORMATION:

There has been one previous application, noted below, that resulted in the creation of the subject property.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

1. PID: 023-633-565
Lot 2, District Lot 12304, Kootenay District, Plan NEP23567, EXCEPT Plan NEP65781;

Purchase Date (m/d/y):

2001-04-03

Location of Property:

4440 Passmore Upper Road, Passmore

Size of Property:

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

Present use of the Property:

Residential use.

Surrounding Land Uses:

WEST: Recreational use
SOUTH: Residential use
EAST: Residential use
NORTH: Little Slokan River

Agricultural Capability:

Data Source: Agricultural Capability Map #82F/12
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 #29986-0

Applicant: Woods, John & Elaine
Decision Date: December 07, 1995
Proposal: To exclude 4.9 ha ALR portion of D.L. 12305 and D. L. 12304 (13.1 ha)
Remainder of D.L. 12305 was excluded in the Slokan Valley ALR Review.
Applicants plan to retain about 4 ha and build a new home. Present home would be sold.
Decision: Refuse exclusion. Allow subdivision of 4 lots. Owner is eligible for homesite severance. Land has agricultural capability for hobby farm use.

Application #29986-1

Applicant: Woods, John & Elaine
Decision Date: November 19, 1997
Proposal: Propose to subdivide the 5.68 ha lot along a road r/w required by MoTH to access the Slokan River. Lot sizes will be approximately 3.68 ha and 2 ha.
Decision: Refused based on agricultural capability and that the "road" is not considered justification for allowing additional subdivision.

Application #29986-2

Applicant: Woods, John & Elaine
Decision Date: April 20, 1998
Proposal: Request reconsideration of original request to allow the creation of an additional lot to the 4 originally permitted by the Commission. No new information submitted but PALC Staff, MAF Agrologists and the Elec. Area Director did visit the property.
Decision: Allowed

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

This application has been referred to the Area Director. A Regional Board resolution may follow in due course.

STAFF COMMENTS:


Staff has the following comments:

- The subject property was created by the previous application noted above in 1998. The original proposal for this application was for exclusion of DL 12304 from the ALR. This was refused on the grounds that the property has enough agricultural capability to warrant retention in the ALR.
- The main objective of the application is to build an additional dwelling for the owners to live. This can be done without the need to exclude the property from the ALR.
- The property is 2.1 ha and has an agricultural capability rating of Class 4, 5 and 7 with limitations due to moisture deficiency, climate and topography.

END OF REPORT



Signature



Date