



Agricultural Land Commission
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March 20, 2006

Reply to the attention of Ron Wallace

Don & Mildred Kepke
RR2 – 1996 – 37th Street
Creston, BC V0B 1G2

Dear Sir/Madam:

Re: **Application #F-36358**
District Lot 15151, Kootenay District

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 Mallory Road. 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 1 March 2006.

The Commission felt the current size of your property makes for a good farm unit for hay and pasture use and that subdivision would reduce the agricultural potential of the property.

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

The decision noted above is recorded as Resolution **#121/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay – A0522B-06692-000

RW/lv
36358d1

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 7 February 2006 regarding application #F-36358, Don & Mildred Kepke. The application is to subdivide the subject property into two parcels as divided by Mallory Road.

Site Inspection

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 Ed Kepke, son in law of owner

The site inspection lasted from 12:00 noon to 12:30 p.m.

Commission Discussion

It was felt that subdivision of the property along Mallory Road would significantly reduce its agricultural potential.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application for subdivision be refused.

CARRIED



Staff Report
Application # F – 36358
Applicant: Don & Mildred Kepke

DATE PREPARED: February 7, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the subject property into two parcels as divided by Mallory Road.

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

BACKGROUND INFORMATION:

There have been no previous applications made on the subject property. The Commission reviewed an application in 2005 on the adjacent property to the south to exclude some land from the ALR to facilitate the use and expansion of the Regional District's landfill. See below for details.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

1. PID: 014-586-908
District Lot 15151, Kootenay District

Purchase Date (m/d/y):

04/15/2005

Location of Property:

Creston, BC

Size of Property:

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

Present use of the Property:

Hay and pasture land

Surrounding Land Uses:

WEST: Indian Reserve land
SOUTH: Regional District's land fill site
EAST: Golf course
NORTH: Wooded parcel

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/2
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

Creston Valley OCP designates the land as Agriculture (AG2)

Zoning Bylaw and Designation:

Agriculture 2 (AG2), 8 ha minimum lot size

RELEVANT APPLICATIONS:**Application #24117-0**

Applicant: Sorensen, S A
Decision Date: March 15, 1990
Proposal: To subdivide the 30 ha parcel into three lots of 8 ha each and one lot of 6 ha. The property is used as a hayfield.
Decision: Refused on the grounds that the property is a good size for a haying operation and subdivision would reduce the agricultural crop options.

Application #35839-0

Applicant: Town of Creston
Decision Date: May 13, 2005
Proposal: To exclude from the ALR a portion of District Lot 16037 and a portion of District Lot 10772.

The Regional District of Central Kootenay has requested the removal of a portion of the land from the ALR to facilitate the ongoing and future use of the RDCK's landfill. The landfill is situated on part of District Lot 10772 which is a land-locked parcel with no secure long-term access. The proposal will allow the RDCK to provide:

1. a superior all-weather road with lighting;
2. power and phone for the operation of the scale facility;
3. a conveniently located public access to waste transfer station;
4. future consideration for a composting facility; and
5. consolidation with Regional District owned

The RDCK and the Town of Creston have come to a mutual agreement for the sale and purchase of a portion of District Lot 16037 in order to provide access to the RDCK's landfill and consolidation of the road access with DL 10772 that joins the landfill property.

Decision: Allow as proposed subject to fencing of both sides of access road from Malory Road to end of ALR. In addition, standard weed control practices are required to be maintained on both sides of access road.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Local Government Staff

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

STAFF COMMENTS:

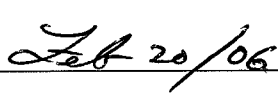
Staff recommends the Commission consider the following:

- The portion of the property proposed for subdivision has an improved agricultural capability rating of class 4 and class 3 with topography and undesirable soil characteristic limitations.
- The Commission refused an earlier application for subdivision on the adjacent property to the south east, DL 16037, in 1990 due to agricultural reasons (see relevant applications for details).
- Recommend on-site meeting.

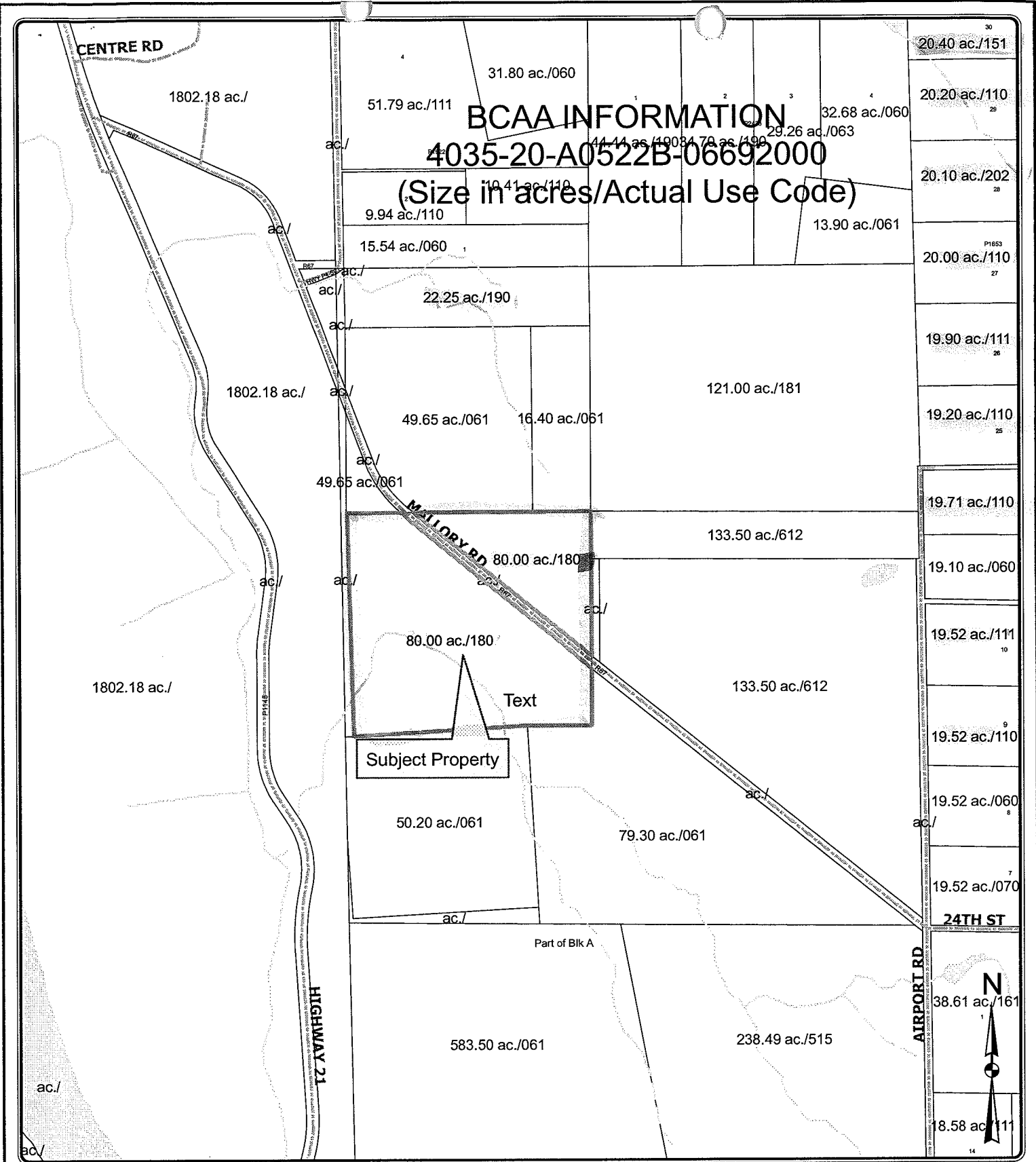
END OF REPORT



Signature



Date



Box 590, 202 Lakeside Drive, Nelson, BC V1L 5R4
 Phone: (250) 352-6665 Toll-Free 1-800-268-7325 (BC)
 Fax: (250) 352-9300 Internet: www.rdck.bc.ca

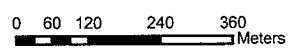
The mapping information shown are approximate representations and should only be used for reference purposes. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

Data Sources

The following sources of data are updated as changes occur:

- Cadastral Lot - Surveyed lots/parcels of land; Sources: Crown Land Registry Services and RDCK
- District Lot - Source: Crown Land Registry Services, Integrated Cadastral Initiative (ICI) and RDCK
- TRIM Data - Planimetry, Unsurveyed Roads, and Contours; Source: Ministry of Water, Land and Air Protection
- ALR - Agricultural Land Reserve; Sources: BC Land Reserve Commission
- Zoning - Rural Land Use, Land Use and Zoning Bylaws, where bylaws are in place; Source: RDCK
- Roads - Road centerline compiled 2003; Source: RDCK

Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
 Date Plotted: 2005

Mapsheet: 82F.008.1.4/3.4
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