



Agricultural Land Commission
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July 13, 2006

Reply to the attention of Ron Wallace

Barry & Maureen Johnson
9137 Pighin Road
Cranbrook, BC V1C 7C9

Dear Sir/Madam:

Re: Application #L-36539
Sublot 11, District Lot 341, Kootenay District, Plan X40

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide approximately 4.5 ha off the above noted property as divided by Wycliffe Cherry Creek 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 June 27, 2006. The Commission found the meeting and site visit informative.

Recalling the on-site inspection the Commission felt Wycliffe Cherry Creek Road did not impose a significant barrier to farming the whole property. Based on this observation the Commission did not wish to introduce a rural residential lot into an actively farmed area and for this reason, refused your application as proposed.

The decision noted above is recorded as Resolution **#359/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlson, Chair

cc: Regional District of East Kootenay – P706-302

RW/lv
36539d1.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 27, 2006 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair
 Carmen Purdy Commissioner

STAFF: Ron Wallace, Land Use Planner

For Consideration

Ron Wallace presented the staff report dated March 13, 2006 regarding application #L-36539, Barry and Maureen Johnson. The application is to subdivide approximately 4.5 ha off the subject property as divided by Wycliffe Cherry Creek Road.

Site Inspection

A site inspection was conducted on June 27, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner
- Applicant Barry Johnson

The site inspection lasted from 6:00 p.m. to 6:30 p.m.

Commission Discussion

The Commission noted that the portion of the property proposed for subdivision was actively farmed when there was an underpass under Wycliffe Cherry Creek Road. It was felt that this road did not impose a significant barrier to farming the whole property. Ultimately the Commission did not wish to create a rural residential lot into an actively farmed area.

IT WAS

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

THAT the staff report be received and the application be refused as proposed on the grounds that the Commission did not wish to introduce a rural residential lot into an actively farmed area.

CARRIED



Staff Report
Application # L – 36539
Applicant: Barry & Maureen Johnson

DATE RECEIVED: March 13, 2006

DATE PREPARED: May 10, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide approximately 4.5 ha off the subject property as divided by Wycliffe Cherry Creek Road. This portion of the property was used for agriculture as part of the whole property when there was an underpass under Wycliffe Cherry Creek Road which allowed cattle to graze on the southeast portion of the property. However in 1990 Wycliffe Cherry Creek Road was upgraded and the underpass was removed by the Ministry of Highways thereby the accessibility to the southeast portion of the property.

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

BACKGROUND INFORMATION:

As noted above when Wycliffe Cherry Creek Road was upgraded in 1990 and the underpass was replaced by a culvert, the southeast portion of the property (proposed for subdivision) was denied easy access from the remainder of the property. It was also noted by the applicant that several attempts were made at harvesting hay but the field is very small, rocky and rough. The numerous corners are not conducive to haying equipment and the cost of production far exceeds the value of hay.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 011-096-608
Sublot 11, District Lot 341, Kootenay District, Plan X40

Purchase Date (m/d/y):

June 1, 1988

Location of Property:

North of Wycliff, BC

Size of Property:

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

Present use of the Property:

Cattle farm

Surrounding Land Uses:

WEST: Pasture
SOUTH: Hay land (irrigated)
EAST: Pasture land
NORTH: Hay land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/12
The majority of the property is identified as having mixed prime and secondary ratings.

Official Community Plan and Designation:

Rural Resource designation within the Community Plan (RR-60)

Zoning Bylaw and Designation:

Rural Resource, 60 ha minimum lot size

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board reviewed this application on March 3, 2006. After consideration, the Board adopted Resolution 37556 in support of the application for subdivision within the ALR.

Advisory Planning Commission

The APC for Area B strongly recommended that the application be approved.

Agricultural Advisory Committee

The Agricultural Advisory Commission supported the application as presented.

Local Government Staff

The Planning Staff reported on the agricultural capability of the property.

STAFF COMMENTS:

Staff has the following comments:

- The area of the property proposed for subdivision is clearly separated from the larger remnant by Wycliffe Cherry Creek Road, making it unsuitable for farming
- The area proposed for subdivision is characterized by rocky soil conditions with limited water available for agriculture.
- An on-site meeting will benefit the Commission in its decision of this application.

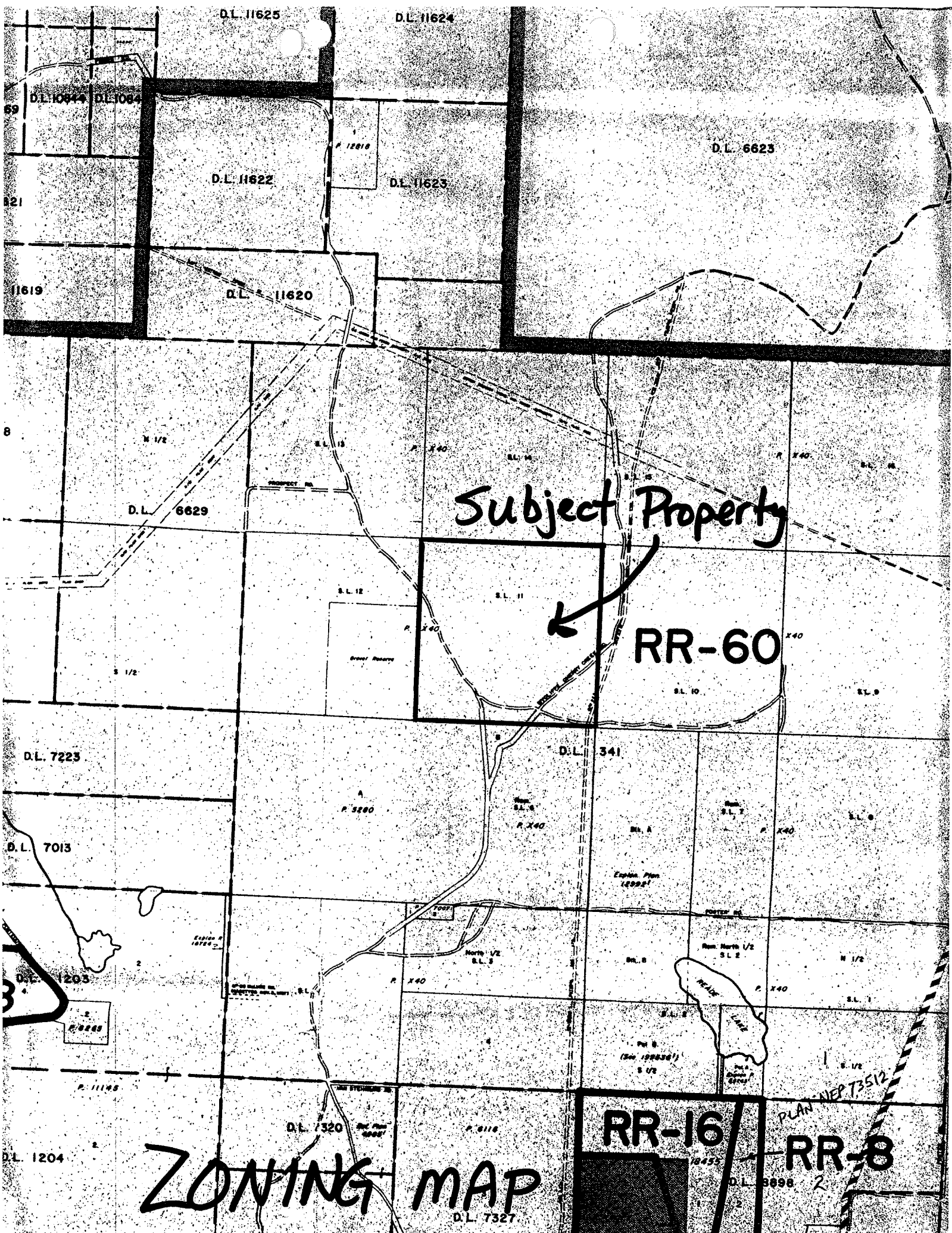
END OF REPORT



Signature

19 May 2006

Date



D.L. 11625

D.L. 11624

D.L. 10944 D.L. 1084

D.L. 6623

D.L. 11622

D.L. 11623

D.L. 11620

D.L. 6629

Subject Property

RR-60

D.L. 7225

D.L. 341

D.L. 7013

D.L. 1203

D.L. 1204

ZONING MAP

RR-16

RR-8

PLAN NEPT 3512

D.L. 7327

D.L. 8898