



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

July 17, 2006

Reply to the attention of Ron Wallace

Lois & Tammy Pocha
5012 Booth Creek Road
Cranbrook, BC V1C 7C4

Dear Madams:

Re: **Application # L-36681**
**Lot 1, District Lot 11545, Kootenay District, Plan 7224, Except Part included in
Plans NEP22376 and NEP62756**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into a 1 ha lot and a 1.2 ha lot. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- 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 East Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution #357/2006.

Please send two (2) paper prints of the final survey plans 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. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karsen, Chair

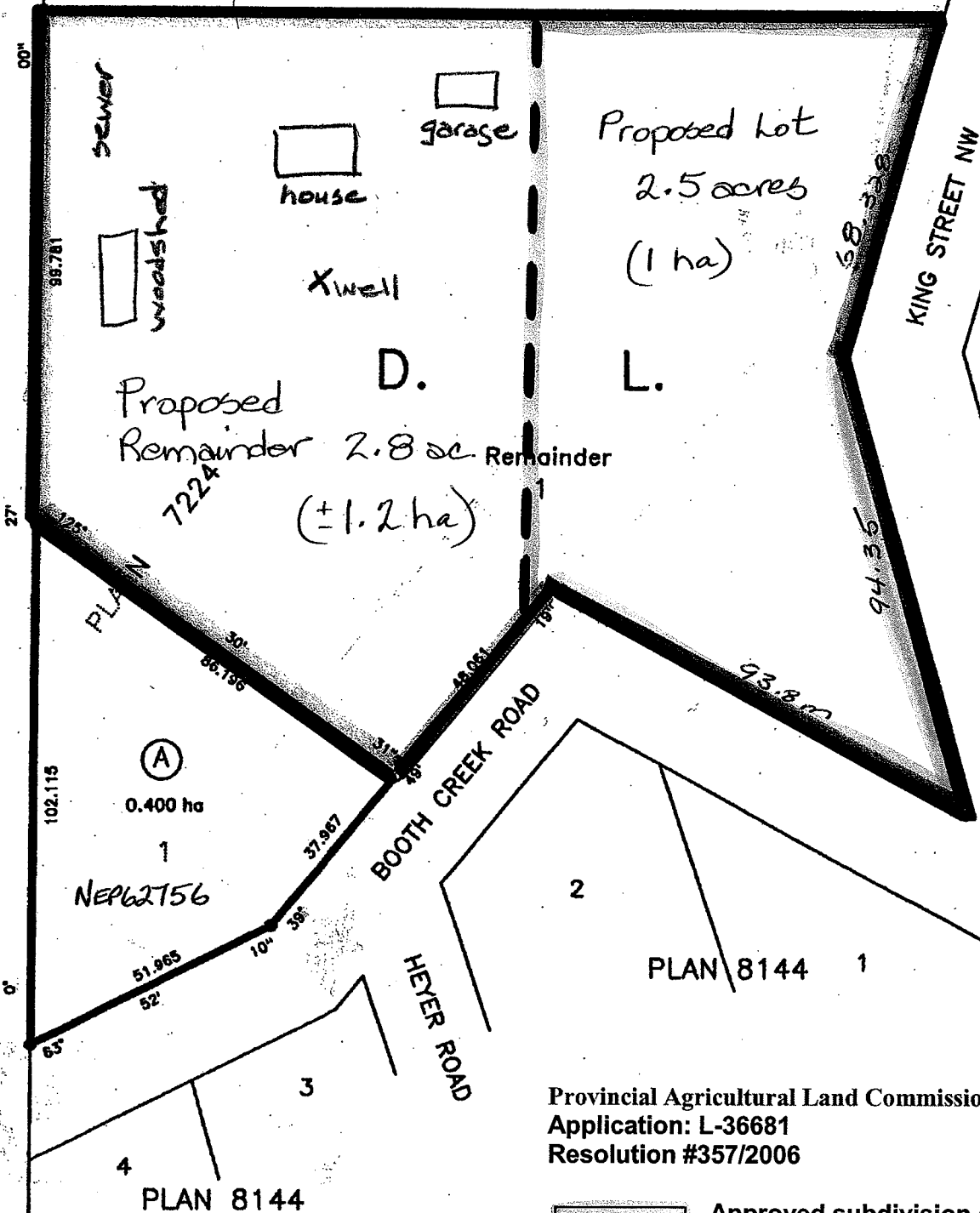
cc: Regional District of East Kootenay – P706-310

RW/lv/Encl.
36681d1

A
PLAN NEP22376

176.095m

RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION
MAY 11 2006



11545
PLAN 85

Provincial Agricultural Land Commission
Application: L-36681
Resolution #357/2006

 Approved subdivision of subject property.

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 May 11, 2006 regarding application #L-36681. The application is to subdivide the 2.2 ha property into a 1 ha lot and a 1.2 ha lot.

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 Tammy Pocha

The site inspection lasted from 4:00 p.m. to 4:30 p.m.

Commission Discussion

The Commission supported the application on the grounds that the proposed lots are of a size consistent with the surrounding lots.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner M. Marshall

THAT the staff report be received and the application to subdivide the property into a 1 ha lot and a 1.2 ha lot be approved.

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

CARRIED



Staff Report
Application # L – 36681
Applicant: Lois & Tammy Pocha

DATE RECEIVED: May 11, 2006

DATE PREPARED: June 9, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 2.2 ha property into a 1 ha lot and a 1.2 ha lot.

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

BACKGROUND INFORMATION:

The applicants would like to subdivide the property so that they can sell it and finish paying for the remainder of the property. They state that the property is too rocky to grow any kind of crop.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 013-987-691
Lot 1, District Lot 11545, Kootenay District, Plan 7224, Except Part included in Plans NEP22376 and NEP62756

Purchase Date:

February 1974

Location of Property:

5012 Booth Creek Road, Cranbrook

Size of Property:

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

Present use of the Property:

Residential with a home and associated outbuildings.

Surrounding Land Uses:

WEST: Residential (non-ALR)
SOUTH: Residential (ALR)
EAST: Residential (ALR)
NORTH: Residential (ALR)

Agricultural Capability:

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

Zoning Bylaw and Designation:

Wycliffe Land Use Bylaw No. 873 (1989) designates the property as RR-2 (Rural Residential)
Minimum lot size 2 ha.

RELEVANT APPLICATIONS:

Application #31810-0

Applicant: Pocha, Lois
Decision Date: February 23, 1998
Proposal: To subdivide the 2.57 ha property into 2 lots. One of 0.4 ha which the applicant intends to give to her daughter and a 2.17 ha remainder.
Decision: Allowed.

Application #17202-0

Applicant: Pocha, Joe & Lois
Decision Date: January 18, 1984
Proposal: To subdivide the property into 2 lots of 1.2 and 2.6 ha.
Decision: Allowed. No adjacent agricultural operations. The property has low agricultural capability and is on the edge of the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: The Board forwarded the application with a motion of support.

Agricultural Advisory Committee: The applicants presented their proposal to the Committee. The Committee was unanimous in support of the application.

Advisory Planning Commission Area "C": The APC strongly support the application as it fits in harmoniously with the surrounding land use and size.

STAFF COMMENTS:

Agricultural Capability:

The parcel is rated 60% Class 5TP - 40% Class 6 T

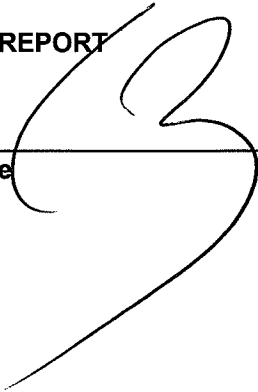
Class 5 - Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 - Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

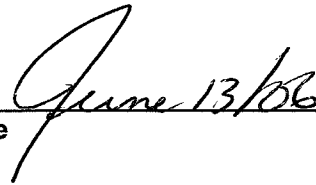
Subclasses: T - Topography P- Stoniness

END OF REPORT

Signature

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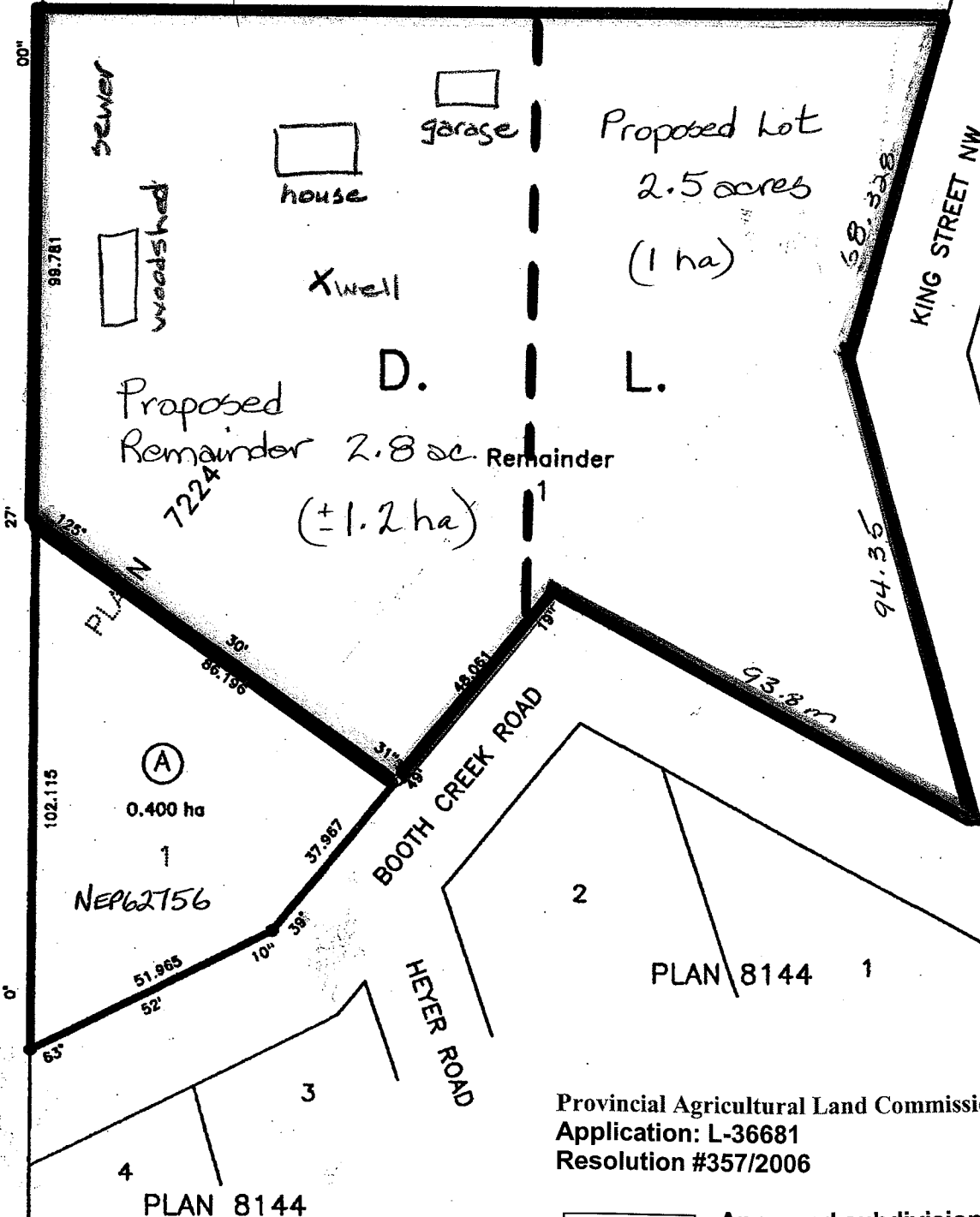
Date

A handwritten date 'June 13/06' in black ink, written over a horizontal line.

A
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