



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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July 17, 2006

Reply to the attention of Ron Wallace

John & Brenda Birrell
PO Box 899 – 5114 Cokato Road
Fernie, BC V0B 1M0

Dear Sir/Madam:

Re: Application # L-36682
Lot 54, District Lot 4588, Kootenay District, Plan 1299

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 Cokato Road. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on June 28, 2006. The Commission found the meeting and site visit informative.

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 #363/2006.

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 Karlsen, Chair

cc: Regional District of East Kootenay (#P706-103)

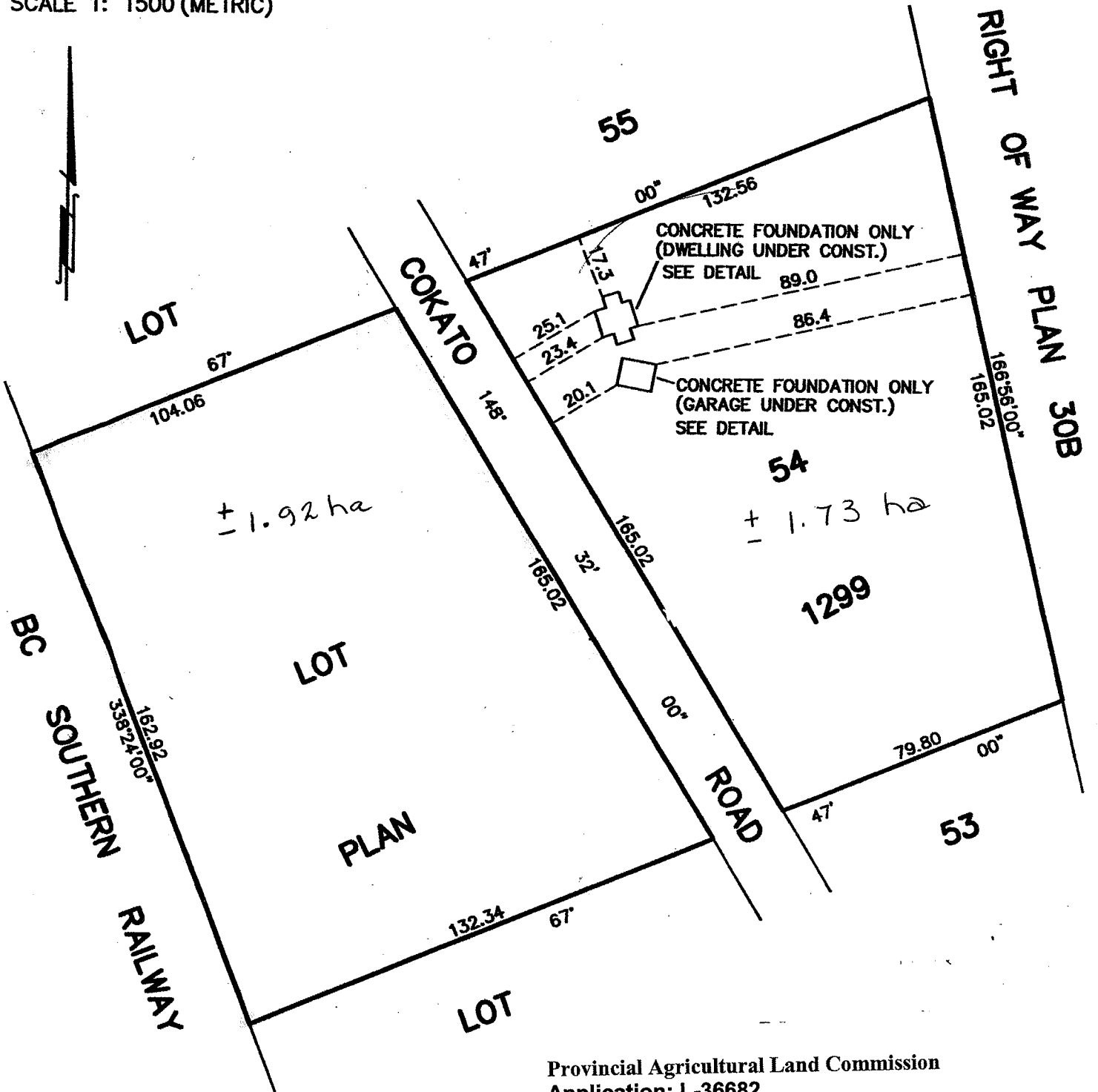
RW/lv/Encl.
36682d1.

**B.C. LAND SURVEYOR'S BUILDING
LOCATION CERTIFICATE OF
LOT 54,
PLAN 1299,
DISTRICT LOT 4589,
KOOTENAY DISTRICT.**

CLIENT MAJC PURDY
 CLIENT FILE 20663
 CIVIC ADDRESS OF PROPERTY IF FIELD
 CONFIRMED 5114 COKATO ROAD
FERNIE, B.C.

RECEIVED
 PROV. AGRICULTURAL LAND COMMISSION
 MAY 11 2006

SCALE 1: 1500 (METRIC)



NOTE: LOT 54, PLAN 1299 IS SUBJECT TO
 STATUTORY BUILDING SCHEME KL40288.
 LOT DIMENSIONS DERIVED FROM PLAN 1299.

Provincial Agricultural Land Commission
 Application: L-36682
 Resolution #363/2006

 Approved subdivision of subject property.

THIS PLAN WAS PREPARED FOR MORTGAGE
 PURPOSES AND IS FOR THE EXCLUSIVE USE

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on June 28, 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 19, 2006 regarding application #L-36682, John and Brenda Birrell. The application is to subdivide the subject property into two parcels of approximately 1.7 ha and 1.9 ha as divided by Cakato Road.

Site Inspection

A site inspection was conducted on June 28, 2006. Those in attendance were:

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

The site inspection lasted from 3:15 p.m. to 3:45 p.m.

Commission Discussion

The Commission noted that the property has limited agricultural potential due to steep topography and as a result has no objection to the proposed subdivision.

IT WAS

MOVED BY: Commissioner M. Marshall

SECONDED BY: Commissioner C. Purdy

THAT the staff report be received and the application to subdivide the property into two parcels as divided by Cokato Road be approved as proposed.

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

CARRIED



Staff Report
Application # L – 36682
Applicant: John & Brenda Birrell

DATE PREPARED: May 19, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide the subject property into two parcels of approximately 1.7 ha and 1.9 ha as divided by Cakato Road.

This application is made pursuant to section 20(3) - 21(2) – 30(1) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been no previous applications on the subject property, but the Commission recently reviewed an application to re-align a series of lots on both sides of Cokato Road (see below for details).

Local Government:

Regional District of East Kootenay

Legal Description of Property:

1. PID: 011-829-249
Lot 54, District Lot 4588, Kootenay District, Plan 1299

Purchase Date:

May 2002

Location of Property:

5114 Cokato Road, Fernie

Size of Property:

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

Present use of the Property:

The portion of the property east of Cokato Road has a dwelling and the portion of the property west of Cokato Road is undeveloped tree land.

Surrounding Land Uses:

WEST: Thompson Road, acreage
SOUTH: Lot 53 undeveloped
EAST: Forest land
NORTH: Lot 55 undeveloped

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/6
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

The land is designated Agriculture in the 1986 Elk Valley Land Use Strategy.

Zoning Bylaw and Designation:

Rural Residential (RR-2), 2.0 ha minimum lot size

RELEVANT APPLICATIONS:

Application #35762-0

Applicant: Cokato Dairy (2003) Ltd Inc. No 677645

Decision Date: March 03, 2005

Proposal: To reconfigure the eight existing lots that vary in size from 0.3 ha to 4.8 ha to create eight 2 ha or larger lots. This will result in removing four small parcels to yield a better overall arrangement from a land use perspective.

Decision: Approved bearing in mind there is no increase in the number of parcel, and having regard to the small parcel size for commercial agriculture, given the climatic limitations.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board adopted a resolution in support of the proposed subdivision.

Advisory Planning Commission

The APC for Area A supported the application as presented.


Agricultural Advisory Committee


The Agricultural Advisory Commission supported the application as presented.

STAFF COMMENTS:

Staff recommends an on-site to determine the impact of Cokato Road on the potential operation of the property as a whole unit.

END OF REPORT


Signature


Date