



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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Fax: 604-660-7033  
www.alc.gov.bc.ca

November 20, 2006

Reply to the attention of Gordon Bednard  
ALC File: F-36804

Dennis and Patricia Miller  
1547 Sutcliffe Road  
Creston, BC V0B 1G2

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 555/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'E. Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#4035-20-A0617C-06076)

Encl.: Minutes/Sketch Plan

GB/eg/36804d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 28, 2006 at Creston, B.C.

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Erik Karlsen	Chair, ALC
	Gordon Bednard	Staff, ALC

### For Consideration

Application: # F- 36804  
Applicant: Dennis Miller

Proposal: To subdivide a 0.6 ha lot from the 1.5 ha property and consolidate the remaining 0.9 ha to an adjoining property.

Legal: PID: 009-441-280  
Lot 1, District Lot 9554, Kootenay District, Plan 15699

Location: Northwest of Hwy 21 and Hood Road

### Site Inspection

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

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Chair, ALC
Gordon Bednard	Staff, ALC
Stan Combs	Staff, Ministry of Agriculture and Lands
Pat and Dennis Miller	Landowners

The Commission discussed the application with the Millers and viewed the area under application.

### Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from the ALR or to use land in the ALR for non-farm purposes.

**Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission does not believe the proposal would impact existing or potential agricultural use of the subject or surrounding lands.

**IT WAS**

**MOVED BY:** Commissioner Carmen Purdy  
**SECONDED BY:** Commissioner Monica Marshall

THAT the application be approved as presented.

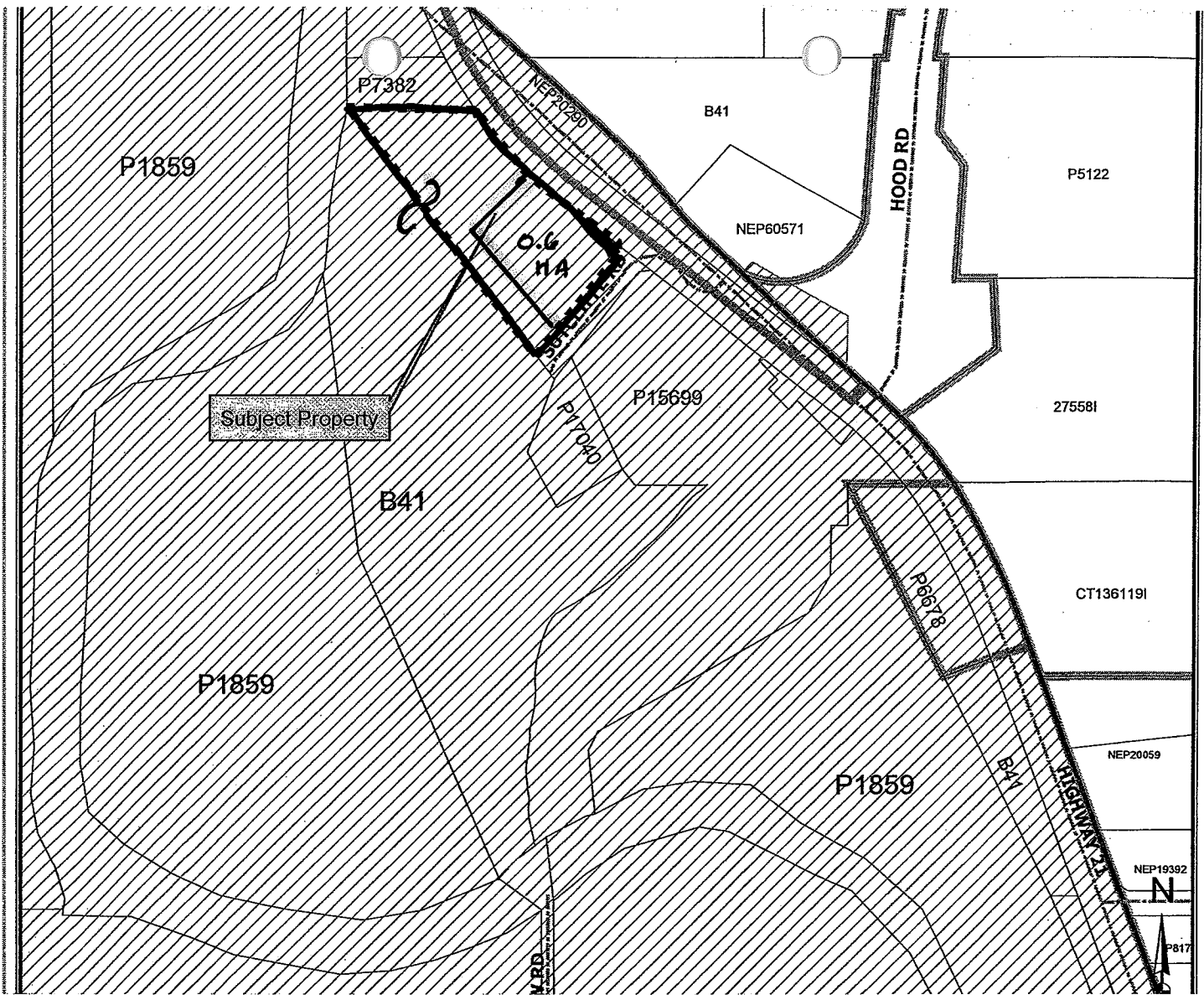
AND THAT the the subdivision be in substantial compliance with the plan submitted with the application;

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

**CARRIED**

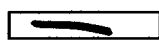
**Resolution # 555/2006**



**Provincial Agricultural Land Commission**

Application: F-36804

Resolution # 555/2006



Subject property.



Approved subdivision (boundary adjustment)  
Lots remain within the ALR.



**Staff Report  
Application # F – 36804  
Applicant: Dennis Miller**

**DATE RECEIVED:** July 11, 2006

**DATE PREPARED:** September 5, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide a 0.6 ha lot from the 1.5 ha property and consolidate the remaining 0.9 ha to an adjoining property.

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

**BACKGROUND INFORMATION:**

The owners wish to separate the homesite from the remainder of the property. They will consolidate the remainder with the adjacent 5.4 ha property. This will create a 0.6 ha lot and a 6.4 ha lot.

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 009-441-280  
Lot 1, District Lot 9554, Kootenay District, Plan 15699

**Purchase Date:**

May 2006

**Location of Property:**

Northwest of Hwy 21 and Hood Road

**Size of Property:**

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

**Present use of the Property:**

Residential house and grass yard on 1.5 acre lot

**Surrounding Land Uses:**

**WEST:** hay pasture  
**SOUTH:** hay pasture  
**EAST:** highway 21 and town property  
**NORTH:** residential

**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 Official Community Plan Bylaw No. 1575 designates the property as AG3

**Zoning Bylaw and Designation:**

Regional District of Central Kootenay Zoning Bylaw No. 1675 designates the property as AG3 (Agriculture 3)  
Min Lot Size: 60ha

**RELEVANT APPLICATIONS:**

**Application #15654-0**

**Applicant:** Miller, Mary A.  
**Decision Date:** December 16, 1982  
**Proposal:** To subdivide the 7.4 ha property into a 2 ha lot and a 5.4 ha lot.  
**Decision:** Allowed. Approval was given in lieu of any possible future homesite severance on the property.  
**Note:** This application created the subject property.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Government Planning Staff:** No objections conditional on the provisions of RDCK Zoning Bylaw 1675, Division 6, Section 603(5) being met. This section allows a reduction of the minimum lot size for a single lot subdivision within any agricultural zone subject to:

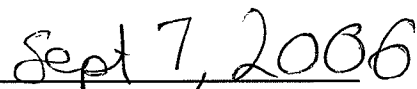
- the lot being no smaller than 0.4 ha;
- the lot serviced by community water system;
- and the remainder of the lot consolidated with an adjacent property that has agricultural tax assessment.

**ATTACHMENTS:**

- ALR Context Map BCGS - 82F.018 - 1:20,000 (Created by ALC Staff)
- Orthophoto (Submitted by Central Kootenay Regional District)
- BCAA Information (Map) (Submitted by Central Kootenay Regional District)
- Map - Proposed Subdivision (Submitted by the applicant)

END OF REPORT

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date