



Agricultural Land Commission
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December 20, 2006

Reply to the attention of Gordon Bednard
ALC File: #L-36821

Siegfride & Klara Trescher
2760 Brisco Road
Brisco, BC V0A 1B0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 606/2006 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. Registration will be concurrent with registration of the covenant which binds the new title to the title of DL 2563 and restricts buildings to non-residential farm buildings.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-608)

GB/lv/Encl.: Minutes/Sketch Plan
36821d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 19, 2006 at Cranbrook, B.C.

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

For Consideration

Application: # L - 36821
Applicant: Siegfride & Klara Trescher
Proposal: To subdivide 0.06 ha from the 60 ha parcel to allow the current user of the property to maintain access to the river for irrigation purposes.
Legal: PID: 011-552-247
District Lot 11378, Kootenay District, EXCEPT Plans NEP22153 and NEP73875
Location: 2760 Brisco Road, Brisco

Site Inspection

A site inspection was conducted on October 19, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Commissioner
Gordon Bednard	Staff
Stan Combs	Staff, Ministry of Agriculture

The Commission viewed the area proposed for subdivision, which contained a well and pump for irrigation, and discussed the application with Ms Trescher.

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.

Discussion

Assessment of Impact on Agriculture

The Commission considered the impact a subdivision might have on agriculture both in the area and on the subject property. As the pumphouse was an integral part of the farm operation to the east of the subject property, the Commission believes it is in the best interest of agriculture to allow the subdivision in order that the neighbouring property's irrigation water supply not be disrupted.

IT WAS

MOVED BY: Commissioner Carmen Purdy
SECONDED BY: Commissioner Monika Marshall

THAT the application be approved as presented.

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the registration of a covenant for the purpose of binding the titles of the new property with that of DL 2563 adjacent. The covenant must also restrict buildings on the newly created lot to non-residential farm buildings.

AND THAT the approval is granted to the applicant only and must be acted upon within three (3) years from the date of this decision.

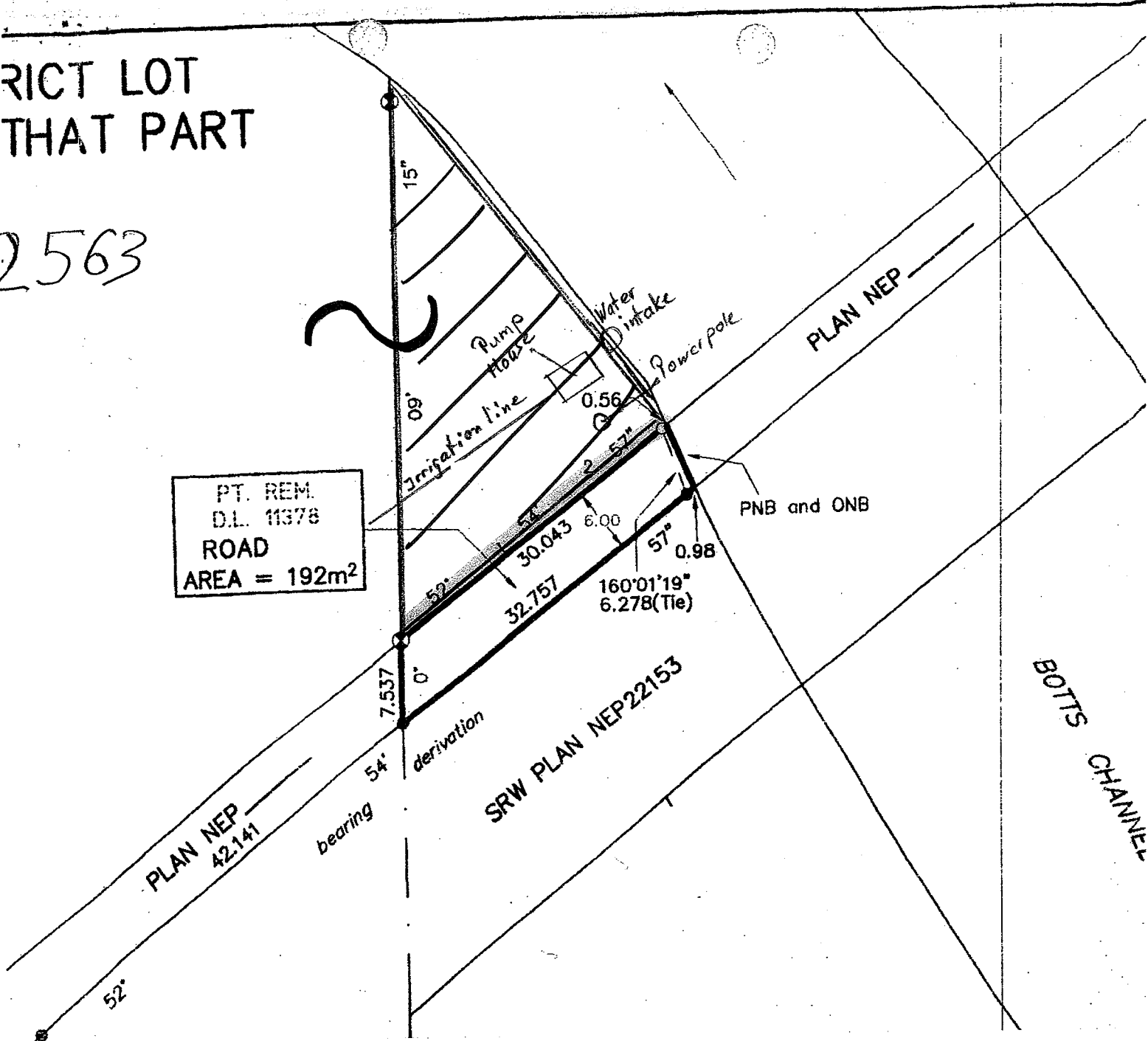
This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 606/2006

RICT LOT
THAT PART

2563



Provincial Agricultural Land Commission

Application: #36821

Resolution # 606/2006



Approved subdivision boundary. Lots remain within the ALR.



Lots to be consolidated or bound by title.



Location of "No-Build" covenant



Staff Report
Application # L – 36821
Applicant: Siegfride & Klara Trescher

DATE RECEIVED: July 12, 2006

DATE PREPARED: September 1, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide 0.06 ha from the 60 ha parcel to allow the current user of the property to maintain access to the river for irrigation purposes.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 011-552-247
District Lot 11378, Kootenay District, Except Plans NEP22153 and NEP73875

Purchase Date:

June 1973

Location of Property:

2760 Brisco Road, Brisco

Size of Property:

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

Present use of the Property:

Slough, Floods regularly

Surrounding Land Uses:

WEST: Slough, hayfield
SOUTH: Public Road, hayfield
EAST: River - Botts Channel
NORTH: Slough

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/16
The majority of the property is identified as having mixed prime and secondary ratings.

Zoning Bylaw and Designation:

Upper Columbia Valley Zoning Bylaw No. 900
Designates the property as A-1, Rural Resource Zone
Minimum Lot Size 60.0ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission: The APC for Electoral Areas F & G recommended approval of the application

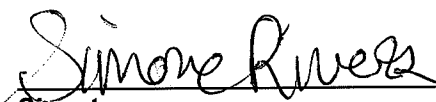
STAFF COMMENTS:

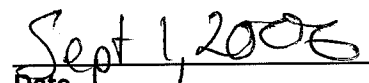
Staff recommend the Commission discuss whether or not there is an opportunity for this small parcel to be added to an adjacent property rather than created as a new subdivision. No information is given in the file as to the location of the individuals who need to access the land. Should consolidation with an adjacent property not be a possibility, the Commission may wish to consider a covenant that restricts the use of the property so as to not create a rural residential lot in this area of large holdings.

ATTACHMENTS:

- ALR Context Map 82K/16 1:50,000 (Created by ALC Staff)
- Map : Zoning (Submitted by RDEK)
- Map: Showing proposed subdivision (Submitted by the applicant)

END OF REPORT


Signature


Date