



Agricultural Land Commission
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December 14, 2006

Reply to the attention of Gordon Bednard
ALC File: #L - 36875

Raymond Van Steinburg
3025 Foster Road
Cranbrook, BC V1C 7C8

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 602/2006 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:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P706-320)

GB/lv/Encl.: Minutes/Sketch Plan
36875d1

Provincial Agricultural Land Commission

Application: L-36875
Resolution # 602/2006

Subject property.

Approved subdivision boundary. Lots remain within the ALR.



LOT

WEST
HOGON FARMS

GRAZING LAND

PUMP HOUSE
PROPOSED BUILDING SITE -

SIZE APPROX

400' X 1200'

4.5 ha.

ORIGINAL SITE

POWER LINE

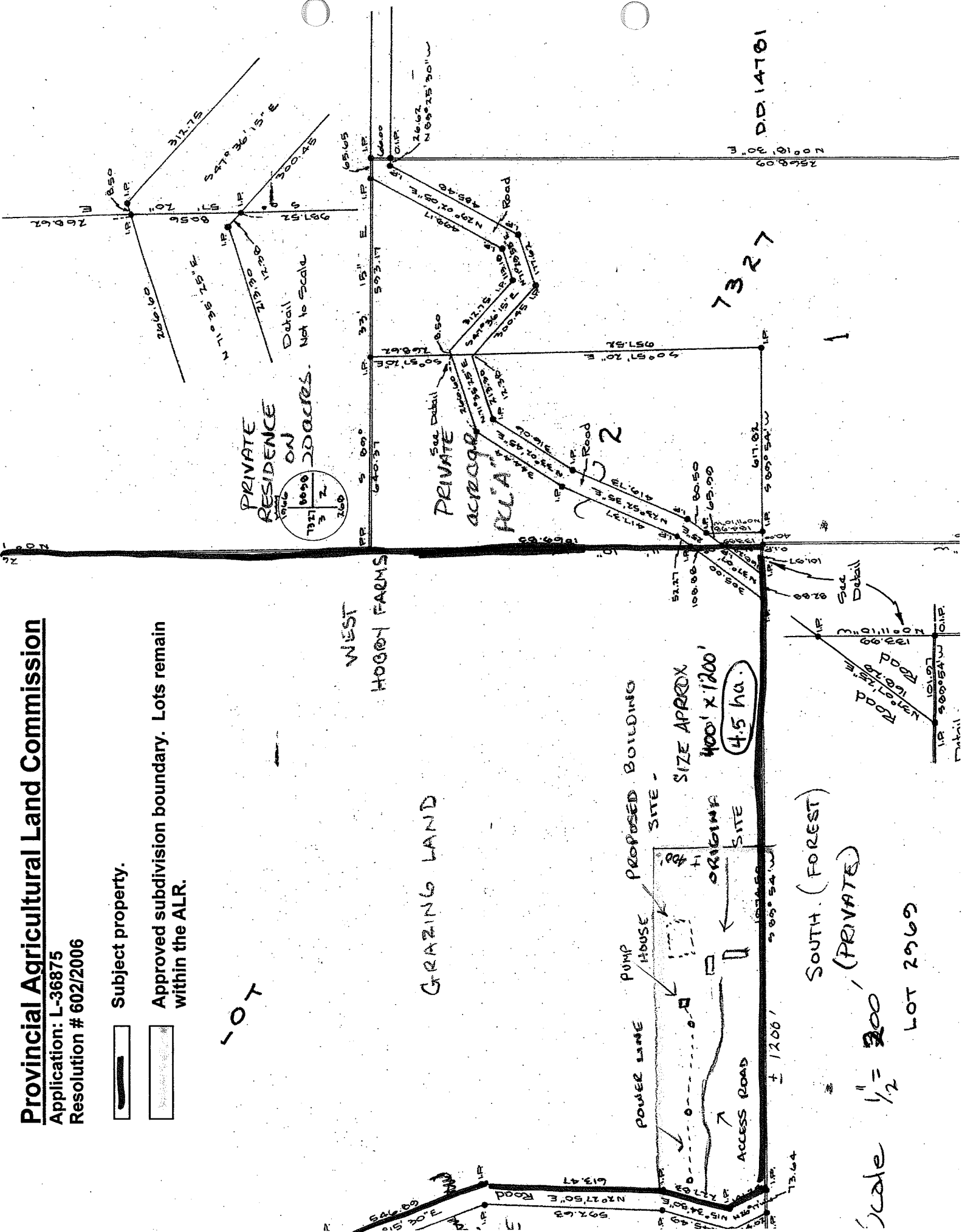
ACCESS ROAD

SOUTH (FOREST)

(PRIVATE)

Scale 1/2" = 200'

LOT 2969



PRIVATE RESIDENCE ON 20 ACRES. Not to Scale.

PRIVATE AGRICULTURE

7327

D.D. 14701

1

Detail

Discussion

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the parent parcel, out of which the smaller lot would be subdivided, is bound by covenant to another of the ranch properties. As well, there are another 7 ranch properties which are bound by a similar covenant. These covenants keep the ranch properties together, but also restrict their use to wildlife enhancement and agriculture. Based on the binding of the ranch titles, and the fact that no restrictions on agricultural use are contained within the covenants, the Commission believes the proposal would not impact existing or potential agricultural use of the subject or surrounding lands.

IT WAS

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

THAT the application for subdivision be allowed.

AND THAT the approval is subject to the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application.

- the understanding by the applicant that this approval is granted in lieu of any future consideration by the Commission under the *Homesite Severance Policy*.

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 # 602/2006



Staff Report
Application # L – 36875
Applicant: Raymond Van Steenburg

DATE RECEIVED: August 16, 2006

DATE PREPARED: September 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 4.5 ha property from the 83.1 ha property. The applicants are offering to tie the remainder of the 83.1 ha property to an adjacent 24.3 ha property.

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: 010-510-729

Lot 3, District Lots 341 and 7327, Kootenay District, Plan 6116, Except (1) Parcel "A" (see 1685481) and (2) Part included in Plan 9754

Location of Property:

3025 Foster Road, Cranbrook

Size of Property:

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

Present use of the Property:

Grazing, mobile home with 2 additions, garage, shed and pumphouse

Surrounding Land Uses:

WEST: Residential, hobby farms
SOUTH: Forest to Highway
EAST: Residential
NORTH: Grazing land

Agricultural Capability:

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

Official Community Plan and Designation:

Wycliffe Land Use Bylaw No. 873 (1989) designates the property as RR-60 Rural Resource.
Minimum Lot Size: 60 ha

PREVIOUS AND RELEVANT APPLICATIONS:

Application #14475-0

Applicant: Lee, Alyn
Decision Date: April 5, 1982
Proposal: To subdivide the 3.5 ha property into 2 approximately equal lots.
Decision: Allowed subject to settling the access arrangements with Ministry of Transportation.

Application #12219-0

Applicant: Ganong, R Y
Decision Date: June 9, 1981
Proposal: To exclude the subject property in order to facilitate the subdivision of a 2 ha lot.
Decision: Refused as proposed. The Commission would allow the subdivision of the 2 ha lot. The Commission also stated that by allowing this subdivision any further request for subdivision of said property would not be looked upon favourably.

Application #09185-0

Applicant: Ganong, R & I
Decision Date: October 24, 1979
Proposal: To subdivide a 2 ha lot from the property.
Decision: Refused on the grounds that the Commission does not wish to see further residential development on lands near grazing areas.

Application #09185-1

Applicant: Ganong, R & I
Decision Date: October 22, 1980
Proposal: To reconsider the Commission's refusal to subdivide a 2 ha lot from the 8 ha property. The applicant presented a reconfigured boundary for the proposed lot
Decision: Reaffirmation of the Commission's previous refusal. The Commission felt that the proposal was inappropriate in terms of the eventual effects of parcelization on local agricultural activities. In an area where ranching and other livestock operations are carried on, the gradual encroachment of a residential population has been proven to create a negative impact.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission Area C: The APC for Area C supports the application

Local Government Planning Staff: Planning staff noted that the proposed lot size is consistent with adjacent lots and that subdivision can be achieved without rezoning. They further noted that "although the proposal does not quite fit with policies, the applicant is offering to consolidate the remainder with his adjacent land.

ATTACHMENTS:

- Letter from the applicant describing the reasons for the proposed subdivision (Received by ALC August 16, 2006)
- Airphoto (black and white) (Submitted by RDEK)
- Sketch of proposed subdivision (Submitted by the applicant)
- Sketch showing proposed binding of titles (Submitted by the applicant)
- ALC Context Map 82G/12 - 1:50,000 (created by ALC Staff)
- Minutes of the Provincial Agricultural Land Commission - Resolution # 851/81

END OF REPORT

Simone Rivers
Signature

Sept 12, 2006
Date