



**Agricultural Land Commission**  
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May 11, 2007

Reply to the attention of Terra Kaethler  
ALC File: L-36816

Barbara Morris  
4868 Hewitt Road, Box 119  
Edgewater, BC V0A 1E0

Dear Madam:

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

Please find attached the Minutes of Resolution # 155/2007 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 (P-706-606)

Enclosure: Minutes/Sketch Plan

TK/EG/36816d2.doc





## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on March 21, 2007 in Cranbrook, B.C.**

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

### **For Consideration**

Application: # L- 36816  
Applicant: Barbara Morris  
Original Proposal: To subdivide the 1.4 ha property into four approximately 0.35 ha parcels. It was refused, as it would result in low density residential development that would be in conflict with the proposed OCP. The Commission was prepared to consider a revised proposal for lot density consistent with the OCP.  
Current Proposal: A reconsideration request to subdivide the 1.4 ha property into 10 parcels ranging in size from approximately 0.0475 ha. to 0.385 ha.  
Legal: PID: 008-272-522  
Lot 10, District Lot 7569, Block 1, Kootenay District, Plan 1183, EXCEPT Plan R273  
Location: 4868 Hewitt Road, Edgewater

### **Site Inspection**

The original site visit took place on October 19, 2006. Upon reconsideration, the Commission did not meet with the applicant, but viewed the site to review the revised proposal.

### **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**

The Commission reviewed the new proposal presented by the applicant to subdivide the property into 10 parcels with a phased development comprising of 4 parcels in phase one (Lot 1 and Lot 6 on the enclosed plan) with further development as finances permit.

The Commission appreciated that the revised proposal is consistent with the policies of the OCP to advocate densities consistent with that of the core area. However, the Commission was concerned that there did not appear to be any way of guaranteeing that the 10 lots will eventually be registered.

Further, the 4 proposed parcels fronting Columbia Road are smaller than the 0.0555 ha minimum lot size permitted by the Regional District where community water and sewer are available. The Commission considered that three lots (Lot 7, Lot 8, Lot 9) of the minimum lot size required fronting Columbia Road would be more appropriate.

To ensure that the 10 lots will be developed, the Commission discussed that phase one development comprising of 5 new parcels: Lots 1,6,7,8,9 with further development occurring inwardly, beginning with the Lot 2 and Lot 5, would be acceptable.

**IT WAS**

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

THAT the application be approved to subdivide the property into 9 parcels be approved;

AND THAT the approval is subject to the following conditions:

- phase one development comprise of Lot 1, Lot 6 and 3 lots of the minimum lot size required (0.0555 ha) fronting Columbia Road
- further development occur inwardly, beginning with Lot 2 and Lot 5
- the subdivision be in substantial compliance with the enclosed sketch
- The subdivision of all lots (9) must be completed 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 # 155/2007**