



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

March 18, 2014

ALC File: #53481

Brian Schmidt
Box 1267
Fernie, B.C. V0B 1M0

Dear Mr. Schmidt:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #59/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan 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.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Deputy Chief Executive Officer

Enclosures: Minutes of Resolution #59/2014
Sketch plan

cc: Regional District of East Kootenay (File: P 713 121)

53481d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53481.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Eamonn Watson	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 4.3 ha property into two (2) parcels of approximately 2.15 ha. One lot would straddle Cokado Road.

PROPERTY INFORMATION:

Owners: Renate and Helmut Emmert

Legal: PID: 011-829-338
Lot 59, District Lot 4588, Kootenay District, Plan 1299

Location: 4948 Cokado Road, Cokado

Size: 4.3 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

(a) to preserve agricultural land;

- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission reviewed the *Local Government Staff Report* recommendation for refusal based on the fact that the property layout did not meet the *Fernie Area Land Use Strategy* criteria of (1) a minimum of a 70% - 30% split by road; and (2) the road is not proposed as the new lot boundary to qualify for subdivision.

The *Local Government Staff Report* also noted the agricultural capability ratings being listed as improvable to Class 2, which is some of the best in the region. However, the Commission noted that a portion of the property (entirely categorized as Class 2) is in fact steeply sloped.

Conclusion: Given the combination of the small lot size, fragmentation of the lot by Cokado Road and the topographic restraints affecting the property, the Commission believes that subdivision will not have an adverse impact on agriculture.

Conclusion: The area isolated from the main parcel by Cokado road is less than 1 ha and as such would likely be unable to be a stand-alone lot.

2. The Commission recently completed an ALR boundary review of the Elk Valley. This portion was not identified for proposed exclusion due to the surrounding agricultural activity both to the north and south of the subject property. That said, the Commission recognizes that this particular property is affected by an encroaching topographical restraint to a greater extent than the surrounding parcels.

Conclusion: The slope constraints on the property result in approximately 1.0 ha being suitable for agriculture, of which a portion has been utilized for a driveway, residence, kennel and dog run, shed, etc, leaving a minimal area available for agriculture.

Conclusion: The creation of an additional lot on this particular property will have little to no impact on agriculture in the surrounding area.

IT WAS

MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Collins

THAT the proposal to subdivide the subject property in half be conditionally approved.

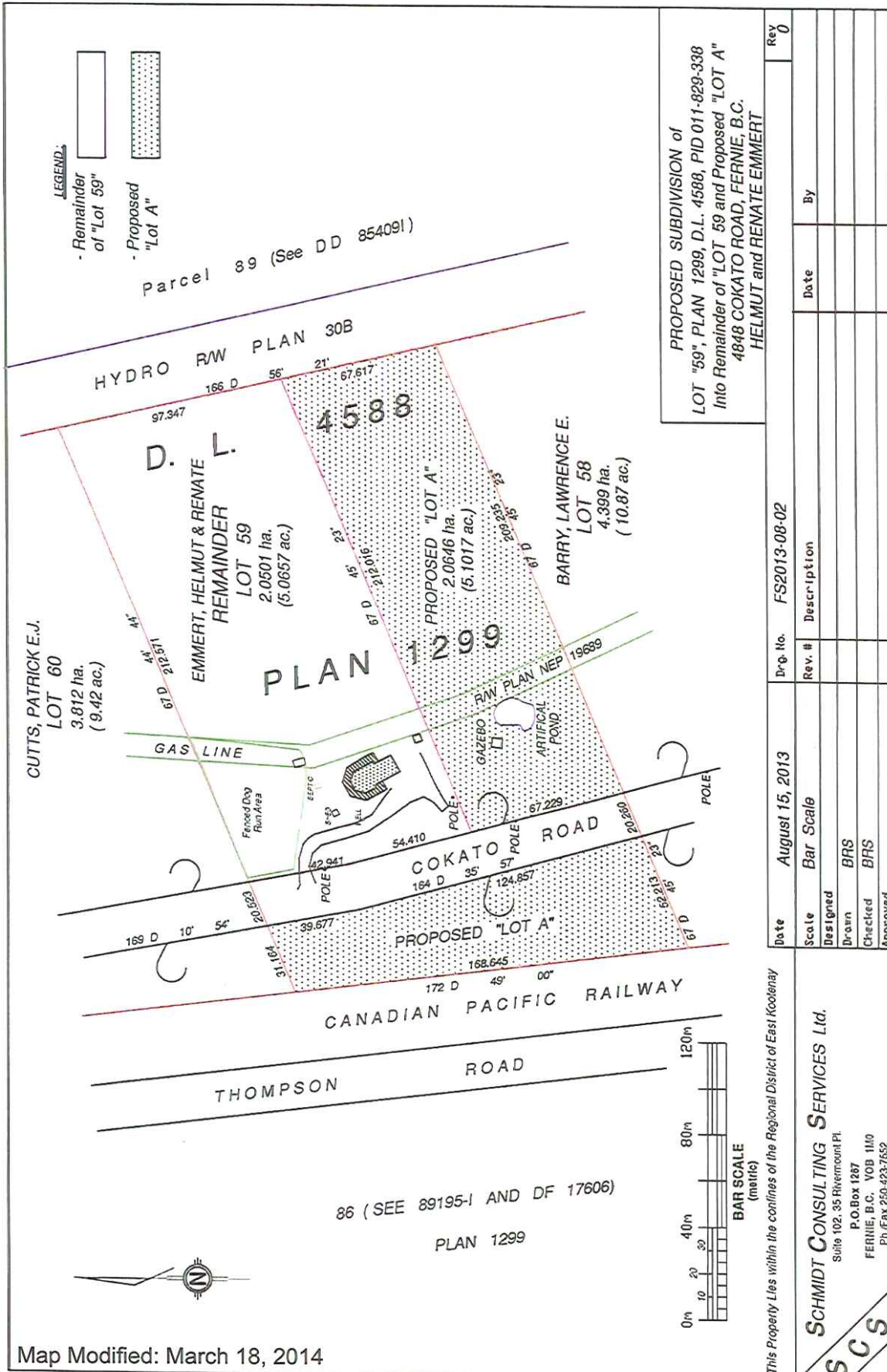
AND THAT the final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application;
and
2. The subdivision plan being completed within three (3) years from the date of the Commission's letter communicating this decision.

AND FINALLY THAT 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 #59/2014

ALC Application #53481
 Resolution #59/2014 - Approved two lot subdivision as proposed



Date	August 15, 2013	Drp. No.	FS2013-08-02	Rev	0
Scale	Bar Scale	Rev. #		Description	By
Designed					
Drawn	BRS				
Checked	BRS				
Approved					

RECEIVED
 FROM AGRICULTURAL
 LAND COMMISSION
 OCT 17 2013

This Property Lies within the confines of the Regional District of East Kootenay

SCHMIDT CONSULTING SERVICES Ltd.
 Suite 102, 35 Rivermount Pl.
 P.O. Box 1287
 FERNIE, B.C. V0B 1H0
 Ph/Fax 250-423-7652

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