



November 1, 2005

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

Reply to the attention of Ron Wallace

Peter Van Allen
PO Box 1386
5795 Kaslo South Road
Kaslo, BC V0G 1M0

Dear Sir:

Re: Application # F-36157-0
Parcel A, Sublot 11, District Lot 819, Explanatory Plan 20351A, Kootenay District, Plan X77

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted parcel into two 4 ha parcels. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application subject to:

- the subdivision being in substantial compliance with the attached plan.
- compliance 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. The Commission suggests you contact the Regional District of Central Kootenay at your earliest convenience.

The decision noted above is recorded as Resolution **#571/2005**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of Central Kootenay – A0516D-03052-000
Approving Officer, Ministry of Transportation, Nelson
BC Assessment, Nelson

RW/lv/Encl./36157d1



Staff Report
Application # F – 36157 – 0
Applicant: Peter Van Allen

DATE PREPARED: September 29, 2005

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Regional Research Officer

PROPOSAL: To subdivide the 8 ha parcel into two 4 ha parcels.

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

BACKGROUND INFORMATION:

The applicant submitted supplemental information with the subdivision application which stated that the main objective of the proposed subdivision is to enable The Lofstedt Farm Forestry Society (LFFS) to secure a long-term private land (Schedule A land) contribution towards Crown woodlot 494. Currently, the society leases 4 ha of forested land from George and Bridget Baumann, owners of Lofstedt Farm. The Baumanns are elderly and wish to retire and possibility either sell Lofstedt Farm or change the form of ownership. The proposed subdivision enables a 4 ha private land transfer, which would relieve the Baumanns of complicated Schedule A private land contribution obligations. The proposed subdivision provides the LFFS with: a base to manage the woodlot, direct access to a public road, and land that abuts Crown Woodlot 494 on both the eastern and western borders. The applicant states that subdivision of this new parcel seems not to add or distract from the agricultural potential of the land. This agricultural potential is very limited. The applicant feels that managing of the forest could improve the neighbouring Lofstedt Farm's growing micro-climate. Thinning the dense forest and bush along the low south border of the parcel will help drain cold air and frost away from Lofstedt Farm and down into the Bjerkness Creek drainage.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 016-320-387

Parcel A, Sublot 11, District Lot 819, Explanatory Plan 20351A, Kootenay District, Plan X77

Purchase Date:

February 2005

Location of Property:

5795 Kaslo South Road, south of Kaslo

Size of Property:

8 ha

ALR Area:

Approximately 5.3 ha is in the ALR

Present use of the Property:

Both proposed lots are mainly under forest cover, there are some meadows and clearings for potential cabin sites. There is an 18 m² cabin on proposed parcel 1. The property is currently partly forested and partly cleared for pasture.

Surrounding Land Uses:

WEST: Crown woodlot 494 - forestry (non-ALR)
SOUTH: Vacant private land - cleared in 2003 (non-ALR)
EAST: Crown woodlot 494 - forestry (non-ALR)
NORTH: Lofstedt Farm- mixed farming (ALR)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/15

The majority of the property is identified as having Mixed Prime and Secondary ratings.

RELEVANT APPLICATIONS:

Application #30997-0

Applicant: Baumann, George
Decision Date: January 22, 1997
Proposal: To develop a Waldorf School on the 27 ha property. In phase one, the existing log house would be used as a school for 10-15 children. Phase 2 would require a new structure for grades Kindergarten to Grade 8 (no student numbers are proposed).
Decision: The Commission allowed the school because it would have almost no impact on the land base and was in an extremely remote location.

Application #19058-0

Applicant: Millar & Aldinger
Decision Date: April 25, 1985
Proposal: To use the 27 ha property in conjunction with the adjoining 8 ha property as a farm co-operative. The non-farm uses proposed are 10 homesites and a small sawmill.
Decision: Allow as requested because of the isolated nature of the small ALR block.

Application #19058-1

Applicant: Millar & Aldinger,
Decision Date: April 20, 1998
Proposal: Original proposal was for the construction of 10 dwellings to be built in support of a co-op vegetable farm. The request for reconsideration is for the creation of lease lots around the 10 approved dwellings.
Decision: Allowed.

Application #33723-0

Re: Application # 36157

Applicant: Baumann, George & Bridget

Decision Date: July 31, 2001

Proposal: To subdivide 1.2 ha off the subject property to sell to the Van Allan family who have lived and worked on the farm for the past 10 years. The funds from the sale of this lot will enable the applicants to move out of the trailer and build a new house for their retirement on the farm.

Decision: Allow as proposed provided that the decision to support the construction of 10 dwellings in support of a coop vegetable farm be rescinded.

Application #33723-1

Applicant: Baumann, George & Bridget

Decision Date: December 12, 2001

Proposal: The request is for the Commission to reconsider its decision to rescind previous decisions by Resolution #'s 284/85, 285/98 and 16/97 associated with three previous applications.

Decision: Commission dropped its requirement that its previous resolutions by #284/85, 285/98 and 16/97 be rescinded as a condition of approval for the creation of one (1) 1.2 ha lot.

Application #33723-2

Applicant: Baumann, George & Bridget

Decision Date: July 05, 2004

Proposal: To request reconsideration to create a "Retirement Ranch" on the property by the following procedure:

- 1) Creation of a "Not for Profit Society" to hold the title of the property.
- 2) Construction of a lodge for 10 participant shareholders on the non-arable part of the ALR.
- 3) Continue with the farm operations with the participation of the 10 above mentioned shareholders.

Decision: Trailer allowed on temporary basis

STAFF COMMENTS:

The Commission has received a request to reconsider the application on the adjacent property to the north, Lofstredt Farm (Bridget and George Baumann). Their request is to exclude the northern, southwest and southeast portions of the subject property from the ALR. A new application would be required to exclude land from the ALR, but the current application (Van Allen) should be considered in context to the agricultural impact of both these applications on the subject properties.

END OF REPORT

Signature

Date