



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

June 16, 2006

Please reply to the attention of Roger Cheetham

Don & Phyllis Halverson  
RR1 Bridesville  
6425 Sidley Mountain Road  
Grand Forks, BC V0H 1B0

Dear Sir/Madam:

RE: Application #Q-36402  
PID: 014-886-138  
District Lot 1291s, Similkameen Division of Yale District

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

The Commission wishes to thank you for taking the time to meet with its representatives on 29<sup>th</sup> May 2006. The Commission found the meeting and site visit informative.

With regard to the location of the proposed subdivision the Commission noted that it was not desirable from an agricultural perspective in that it would split the productive portion of the property into two. On the other hand the Commission considered that the creation of a subdivision in the north eastern portion of the property would avoid splitting this area, would have no material impact on agriculture and would provide an opportunity for your son to build a house where planned. The Commission was sympathetic to the creation of a subdivision for your son in view of his heavy involvement in the farming activities in a high value crop that is able to sustain and would benefit from his involvement as well as that of yourselves.

The Commission considered that while a subdivision in the north eastern portion of the property would not include any of the areas used for the growing of garlic it would be possible for him to enter into a lease agreement with you to farm those areas.

Accordingly the Commission writes to advise that it refused your application as presented but approved a subdivision in the north eastern portion of the property 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 Kootenay Boundary Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # 262/2006.

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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 Kootenay Boundary (#E-1291s-04722-600)

RC/lv/Encl./36402d1.

PERIMETER CURRENTLY RANGE FENCED  
--- LIVESTOCK FENCE (SMOOTH WIRE)  
--- DEER FENCE 8'

DL  
18095

DL 7115  
(CROWN LAND)

DL 12905

Application Number 36402  
SUBDIVISION APPROVED IN TERMS OF  
Resolution Number 262/2006

NEW PROPERTY LINE

BUSH HOMESITE BUSH

GOAT BARN  
GARLIC FIELD (2004) (2007)  
BARN  
Pump House  
OLD FARM HOUSE

HAY FIELD & PROPOSED HOMESITE  
PASTURE  
GOAT BARN

2000  
BUSH  
GRASSLAND  
DEER FENCED GARLIC FIELD (2005) (2008)  
DEER FENCED GARLIC FIELD (2004) (2007)

NEW PROPERTY LINE  
HAY FIELD  
GARLIC (2006) 2009  
HAY FIELD  
GARLIC (2007) (2010)  
BUSH

HAY FIELD  
GARLIC FIELD (2006) (2009)  
GRASSLAND

BUSH

1250

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on the 31<sup>st</sup> May 2006 in Cranbrook, B.C.**

**PRESENT:**     Monika Marshall                             Chair  
                  Carmen Purdy                                 Commissioner

**STAFF:**             Roger Cheetham, Planning Officer

**OBSERVER:**        Erik Karlsen, Commission Chair

**For Consideration**

Roger Cheetham presented the staff report of Ron Wallace, Regional Research Officer dated 3<sup>rd</sup> February 2006 regarding application #Q- 36402.

**Site Inspection**

A site inspection was conducted on 29<sup>th</sup> May 2006. Those in attendance were:

- Commissioners Marshall and Purdy
- Agricultural Land Commission Staff: Roger Cheetham, Planning Officer
- Don and Phyllis Halverson, Applicants
- Don Halverson, son of Applicants

The Commission noted that the southern portion of the property comprises fields used for the production of garlic and the northern portion of the site is under trees and comprises generally low capability soils with limited agricultural potential. The Commission noted that the son of the applicants is actively involved in the farming activities and proposes to build a house in an area of low capability in the north eastern portion of the site.

The Commission noted that the property once included two dwellings including an old farm house in the north-eastern corner which is no longer occupied and is being demolished.

The applicants indicated that it is their intention to apply for organic certification.

The site inspection lasted from approximately 1:20 p.m. to 2:15 p.m.

**Commission Discussion.** The Commission was concerned that the proposed subdivision would split the areas of the property with the highest agricultural potential into two. It was nevertheless sympathetic to the creation of a subdivision for the applicant's son in view of his heavy involvement in the farming activities which involve a high value crop that is able to sustain and would benefit from the involvement of the two families. It considered that the creation of a subdivision in the north eastern portion of the property would avoid splitting the higher capability areas, would have no material impact on agriculture and would provide an opportunity for the son to build a house where planned. The Commission considered that the son would be able to enter into a lease agreement to farm those areas that fell within the subdivision occupied by his parents.

The Commission spent a considerable time discussing the implications of permitting the subdivision in terms of its potential to impact on adjacent ranching activities and set a precedent for further subdivision in the area, concluding that these considerations were not of major significance and did not outweigh the benefits of permitting the subdivision.

**IT WAS**

**MOVED BY:** Commissioner M. Marshall

**SECONDED BY:** Commissioner C. Purdy

THAT the staff report be received and the application be refused as presented.

THAT the subdivision of the property to create a new subdivision in the north eastern portion of the property be approved as indicated on the attached plan.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # Q – 36402**  
**Applicant: Don & Phyllis Halverson**

**DATE PREPARED:** February 3, 2006

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To subdivide the 45 ha property roughly in half, creating one lot of approximately 23 ha in the south-west portion of the parcel, and a remainder of 21.6 ha forming an 'L' around the new lot. Both the proposed lot and the remainder have a single family dwelling and several accessory buildings on them.

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

**BACKGROUND INFORMATION:**

There has been one previous application, #21-83-16128, involving the subject property as noted below under previous applications. The Commission considered an application for subdivision on the adjacent parcel the east in 2004, that was refused. See below for details.

**Local Government:**

Regional District of Kootenay-Boundary

**Legal Description of Property:**

1. PID: 014-886-138  
District Lot 1291s, Similkameen Division of Yale District

**Purchase Date (m/d/y):**

03/15/2001

**Location of Property:**

6425 Sidley Mountain Road, near Bridesville, BC

**Size of Property:**

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

**Present use of the Property:**

The property is used for garlic farming and has hay fields for green manure and composting.

**Surrounding Land Uses:**

**WEST:** Bush, horse pasture, residence  
**SOUTH:** Irrigated hay land, residence  
**EAST:** Miller Springs Water Bottling facility, hay land, pasture  
**NORTH:** Logged Crown land, bush and pasture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/3  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

None

**Zoning Bylaw and Designation:**

None

**PREVIOUS APPLICATIONS:****Application #16128-0**

**Applicant:** Spooner, Ralph & Carol  
**Decision Date:** March 16, 1983  
**Proposal:** To subdivide the subject property into two parcels of 22.5 ha each.  
**Decision:** Refused on the grounds that the proposed subdivision would reduce the long term agricultural potential of the property and also encourage the similar parcelization of surrounding agricultural lands.

**RELEVANT APPLICATIONS:****Application #17256-0**

**Applicant:** Kelly, Irvin C.  
**Decision Date:** January 17, 1984  
**Proposal:** Subdivide off a 0.43 ha parcel from a 145.7 ha lot. Proposed lot has a dwelling located on it and is currently leased.  
**Decision:** Allow with conditions.

**Application #35155-0**

**Applicant:** Miller, Daniel & Sonya  
**Decision Date:** March 19, 2004  
**Proposal:** To subdivide the 129 ha property into two equal parcels of 64.5 ha each. The applicant has two sons and each would acquire a lot and continue to farm it.  
**Decision:** Refuse as the property is suitable for agricultural use.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:****Regional Board**

The Regional Board recommends support for the proposed subdivision.

**Local Government Staff**

"Subject to receipt and consideration of APC comments, the Planning Department recommends that the Planning and Development Committee support this application for subdivision within the ALR."

**STAFF COMMENTS:**

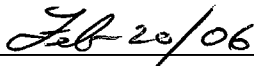
Staff recommends that the Commission consider the following:

- In 2004 the Commission refused subdivision of the adjacent property to the east.
- The agricultural capability of the property ranges from Class 3 to Class 5 with stoniness and topography limitations.
- There has been a previous application on the property in 1983 for subdivision into two parcels of 22.5 ha each. This application was refused as note above.

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**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date