



**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

July 17, 2006

Reply to the attention of Ron Wallace

George & Marion Bergevin  
RR1 - Site 2 - Comp 46  
New Denver, BC V0G 1S0

Dear Sir/Madam:

**Re: Application # F-36556**  
**Lot 2, District Lot 8127, Kootenay District, Plan NEP19303, EXCEPT Part**  
**included in Plans NEP23010 and NEP2301**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into two lots of 2 ha each and one lot of 3.5 ha. 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 June 26, 2006.

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 #350/2006.

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 (#A0606Hn-02675230)

RW/lv/Encl./36556d1



**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 26 June 2006 in Nelson, B.C.

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

**STAFF:**       Ron Wallace, Land Use Planner

**For Consideration**

Ron Wallace presented the staff report dated May 15, 2006 regarding application #F-36556, George and Marion Bergevin. The application is to subdivide the 7.5 ha subject property into two lots of approximately 2 ha each and one lot of 3.5 ha. The owner would retain the proposed 3.5 ha lot while the other two lots would be sold as separate hobby farms.

**Site Inspection**

A site inspection was conducted on June 26, 2006. Those in attendance were:

- Commissioners Marshall & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Land Use Planner

The site inspection lasted from 1:30 p.m. to 2:00 p.m.

**Commission Discussion**

It was noted that the Commission approved other previous applications for subdivision in the area in light of the small size of the properties and recognizing the role of Hills as a small settlement area in the Slocan Valley within which development should be encouraged to locate rather than in the more rural areas of the valley. It was felt that proposed lots would be of a size similar to other lots in the area.

**IT WAS**

**MOVED BY:**             Commissioner C. Purdy

**SECONDED BY:**       Commissioner M. Marshall

THAT the staff report be received and the application to subdivide the 7.5 ha subject property into two lots of approximately 2 ha each and one lot of 3.5 ha be approved as proposed.

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

CARRIED



**Staff Report**  
**Application # F – 36556**  
**Applicant: George & Marion Bergevin**

**DATE PREPARED:** May 15, 2006

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

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

**PROPOSAL:** To subdivide the 7.5 ha subject property into two lots of approximately 2 ha each and one lot of 3.5 ha. The owner would retain the proposed 3.5 ha lot while the other two lots would be sold as separate hobby farms. A long-term cabin renter at the southern end of the property has expressed an interest in purchasing the proposed 2 ha parcel in order to develop a garlic farm and organic gardens.

The applicant has indicated that the proposed lots are consistent with the standard size in Hills, and the community could use some additional residents in order to become more viable, and achieve goals, such as building a fire hall.

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

**BACKGROUND INFORMATION:**

There have been two recent previous applications in the area for subdivision as noted below. All the ALR land in this area has a similar capability rating of Class 4 (with stoniness and topography limitations) with an improved rating of Class 3. There is limited agricultural land use in the area – some cleared pasture and hay land on small lots.

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

1. PID: 017-328-888

Lot 2, District Lot 8127, Kootenay District, Plan NEP19303, EXCEPT Part included in Plans NEP23010 and NEP2301

**Purchase Date:**

November 1979.

**Location of Property:**

Hills, NW of Slocan Lake, BC

**Size of Property:**

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

**Present use of the Property:**

Rural residential with a main dwelling and 2 rental cabins. There is a workshop used for electrical and business storage. There are 2 horses on the property that graze the grassland/pasture area.

**Surrounding Land Uses:**

**WEST:** Crown land  
**SOUTH:** Rural residential, small lot agriculture  
**EAST:** Highway, small lot agriculture  
**NORTH:** Rural Residential, small lot agriculture

**Agricultural Capability:**

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

**Official Community Plan and Designation:**

None

**Zoning Bylaw and Designation:**

None

**RELEVANT APPLICATIONS:**

**Application #34116-0**

**Applicant:** Leontowicz, Peter & Olga  
**Decision Date:** July 26, 2002  
**Proposal:** To subdivide one (1) approximately 0.4 ha lot for the applicants' daughter to have title to her house, garden and out buildings. The daughter has lived on the property for many years and her house and yard are proposed to be subdivided from the subject property.  
**Decision:** Approved having regard to location within settlement area and history and size of surrounding subdivisions

---

**Application #34317-0**

---

**Applicant:** Striebchuk, Anne  
**Decision Date:** July 26, 2002  
**Proposal:** Anne Striebchuk is requesting permission to subdivide her 2.3 ha property into two lots so that her son, who lives on the property, can have a separate lot. The applicant is getting too old to maintain the property and would like to sell her house and land. The son cannot afford to buy all the land. The applicant's daughter also lives on the land.  
**Decision:** Approved having regard to location in settlement centre, existing parcelisation in area and history of application decisions in area

---

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

This application has been referred to the Area Director. A Regional Board resolution may follow in due course.

**STAFF COMMENTS:**

Staff has the following comments:

- The Commission reviewed two previous applications for subdivision in the local area as noted above under relevant applications. The Commission approved these applications in light of the small size of the properties and recognizing the role of Hills as a small settlement area in the Slocan Valley within which development should be encouraged to locate rather than in the more rural areas of the valley.
- The subject property is of a size that could be used for agriculture, so staff recommends an on-site to better determine the case for subdivision.

---

**END OF REPORT**

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

*19 May 2006*  
\_\_\_\_\_  
Date