



**Agricultural Land Commission**  
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June 4, 2007

Reply to the attention of Terra Kaethler  
ALC File: # Q - 37064

Ken Jones  
PO Box 13  
Westbridge, BC V0H 2B0

Dear Sir:

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

Please find attached the Minutes of Resolution # 234/2007 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name. The signature is fluid and cursive.

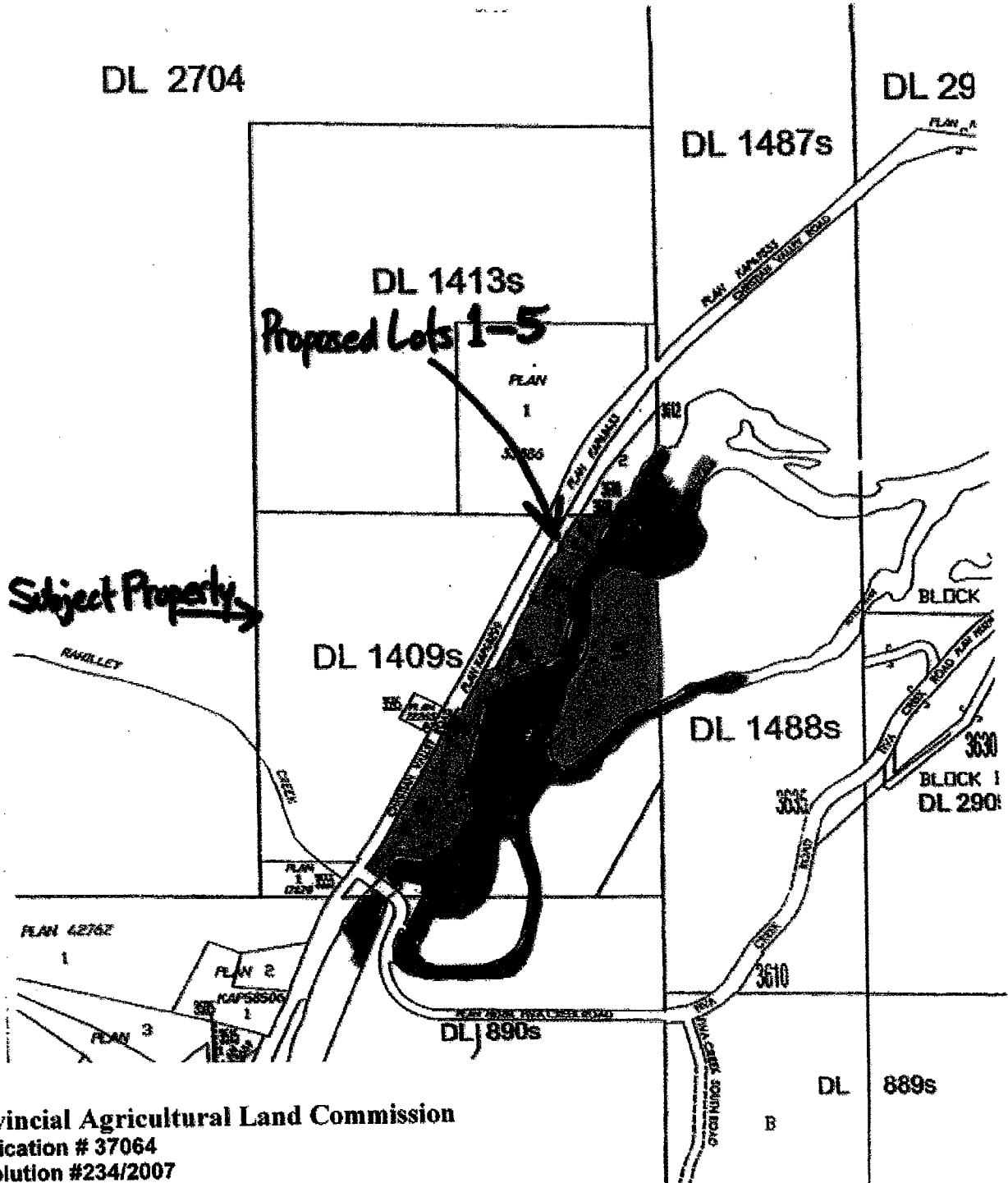
Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (#E-1409s-04751-000)




Enclosure: Minutes/Sketch Plan

TK/lv  
37064d1.

# Proposed Subdivision Plan



Provincial Agricultural Land Commission  
 Application # 37064  
 Resolution #234/2007

-  5 Lots approved for subdivision
-  Remainder of property following subdivision
-  Kettle River



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on May 3, 2007 in Nelson, B.C.

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

### For Consideration

**Application:** # Q - 37064  
**Applicant:** Ken Jones  
**Proposal:** To subdivide the 42.4 ha property into five (5) lots. Five (5) lots are proposed for the east side of Christian Valley Road, four (4) lots range from roughly 0.6 ha to 0.8 ha and a fifth (5) lot is estimated to be 5 hectares. After the proposed subdivision there will be land remaining west of the Christian Valley Road and some land east of Kettle River.  
**Legal:** PID: 008-122-440  
District Lot 1409s, Similkameen Division of Yale District, EXCEPT Plans 17879, 22265 and KAP48299  
**Location:** Christian Valley Road, 8km

### Site Inspection

A site inspection was conducted on May 1, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Debbie Hachey Applicant
- Ken Jones Applicant

The Commissioners viewed the property and discussed the proposal with the applicant. The Commission noted that the area proposed to be subdivided is along a steep river bank, with a portion of the property in the flood plain of the Kettle River. The Commission also noted that the portion of the property to the West of Christian Valley Rd. was not in the ALR.

The applicants confirmed that the staff report dated November 14, 2006 was received and no errors were identified.

## **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**

### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are on a scale of 1 to 7.

The agricultural capability of the area to be subdivided on the river bank is identified as 100% Class 6TR. The agricultural capability of the area to be subdivided on the flood plain is identified as 100% Class 3MW (improved).

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

### Subclasses

T	topography
C	adverse climate
M	moisture deficiency
W	excess water

Upon the site visit, the Commission confirmed that the size of the area proposed for subdivision was small and that the limitations of agricultural capability were significant. The Commission noted that although part of the property is rated as Class 3, it is separated from the rest of the property by the river, and the available land base fluctuates with flooding. The Commission determined that there was limited potential for agriculture on the property.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Given the limited agricultural capability of the property and it's location to the river, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Griffin

**SECONDED BY:** Commissioner Purdy

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision 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 # 234/2007**



**Staff Report  
Application # Q – 37064  
Applicant: Ken Jones**

**DATE RECEIVED:** November 14, 2006

**DATE PREPARED:** January 18, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide the 42.4 ha property into six (6) lots. Five (5) lots are proposed for the east side of Christian Valley Road, four (4) lots range from roughly 0.6 ha to 0.8 ha and a fifth lot is estimated to be 5 ha. After the proposed subdivision there will be land remaining west of the Christian Valley Road and some land east of Kettle River which will comprise the sixth lot. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Kootenay Boundary

**Legal Description of Property:**

PID: 008-122-440

District Lot 1409s, Similkameen Division Yale District, Except Plans 17879, 22265 and KAP48299

**Purchase Date:**

October 22, 1997

**Location of Property:**

Christian Valley Road north of Rock Creek

**Size of Property:**

42.4 ha (BC Assessment). It is estimated that 8.6 ha of the property are located in the ALR.

**Present use of the Property:**

Some timber was harvested years ago and small clearings were made. There are no buildings or structures on site.

**Surrounding Land Uses:**

**WEST:** Residential, Crown land  
**SOUTH:** Residential  
**EAST:** Kettle River, grazing field  
**NORTH:** Recent logging, residential, Crown land

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/2  
The majority of the property is identified as having Secondary ratings. The portion of the property that is east of the Kettle River has a rating of Class 4 with low moisture as a limiting factor, however, it could be improved to Class 3 with limiting factors of low moisture holding capacity and excess water. West of Kettle River, the soil is rated as Class 6 with the limiting factors of topography and bedrock.

**Official Community Plan and Designation:**

OCP: None

**Zoning Bylaw and Designation:**

Zoning: None

**ATTACHMENTS:**

1. ALR Constituent Map
2. Aerial Photograph
3. Sketch of Proposed Subdivision

END OF REPORT

  
\_\_\_\_\_  
Signature

4/24/07  
\_\_\_\_\_  
Date