



Agricultural Land Commission
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June 4, 2007

Reply to the attention of Terra Kaethler
ALC File: #F - 37088

Laura Graham and Gerald Gauthier
2330 Upper Glade Road
Castlegar, BC V1N 4R5

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 236/2007 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 'Per:' label.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0631I-01619-504)

Enclosure: Minutes/Sketch Plan

TK/lv
37088d1.



REGIONAL DISTRICT OF
CENTRAL KOOTENAY

LEGEND

- District Lot
 - Right-of-Way
 - Cadastral Lot
 - Planimetry
- Other data that may be present on the map:
- Unsurveyed Roads
 - Contours (20 metre intervals)
 - Zoning
 - Agricultural Land Reserve
 - Contour Elevation
 - R2A Zoning Classification

LEGAL DESCRIPTION
 SL 12 (Sub-Block)
 BLK. 7 (Block)
 NEP68178
 Lot 2 (Lot R...)

Map Projection: UTM Zone 11
 Map Datum: NAD83

Map Scale: 1:5000

DATA SOURCES

The following sources of data are updated as changes occur:

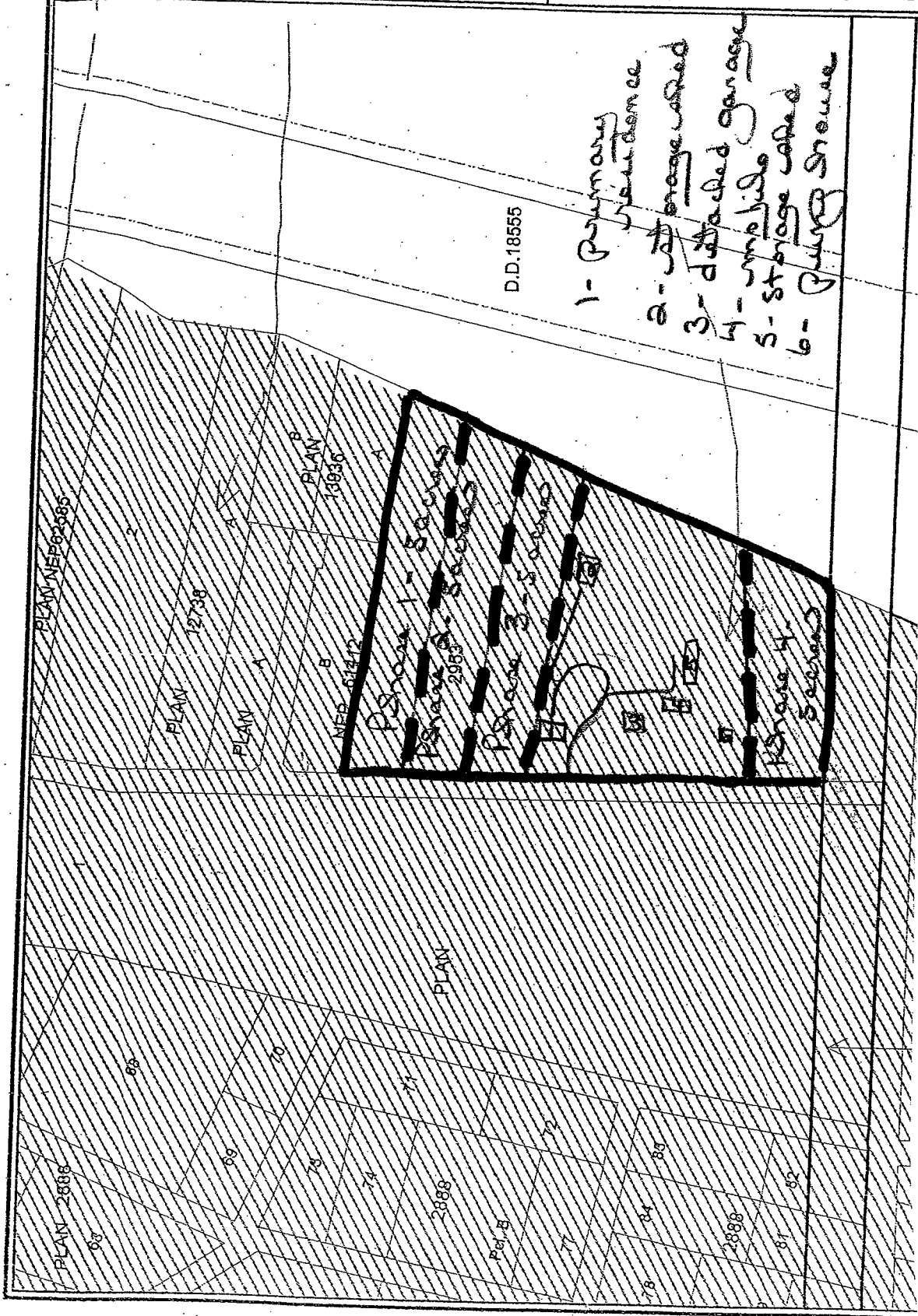
- Cadastral Lot - Surveyed lot/parcel of land; Source: Crown Land Registry Services and RDCK
- DL - District Lot; Source: Crown Land Registry
- ROW - Right of Way (Utility easements, assessments, etc.); Source: Crown Land Registry Services and RDCK
- TRIM Data - Planimetry, Unsurveyed Roads, and Air Photo; Source: Ministry of Water, Land and Air Protection
- Zoning - Rural Land Use, Land Use, and Zoning Bylaws, where bylaws are in place; Source: RDCK
- ALR - Agricultural Land Reserve; Source: BC Land Use Registry
- BCGS Grid - British Columbia Geographic System 1:5000 and 1:25000 Grid; Source: Geomatics Canada

The mapping information shown on this map is for informational purposes only and should not be used as a legal reference. The Regional District of Central Kootenay is not responsible for any errors or omissions on this map.

BCGS INDEX MAP

8F043.1.3	8F043.1.4	8F043.1.5
8F043.1.1		8F043.1.2
8F043.1.3	8F043.1.4	8F043.1.5

BCGS MAPSHEET:
82F043.1.2



Provincial Agricultural Land Commission
 Application # 37088
 Resolution #237/2007

- Subject Property
- 4 lots (approximately 2 ha each) approved for subdivision

The agricultural capability of the bottom land of the subject property is 60% Class 3M and 40% Class 5PT (improved). The agricultural capability of the hillside of the subject property is: 60% Class 7TC and 40% Class 6T.

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

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

M soil moisture deficiency
C adverse climate
P stoniness
T topography

Upon the site visit, the Commission noted that although there are areas of reasonable soil capability, the topographical challenges and stoniness of the property severely limit its overall agricultural capability.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Subdivision will create lot sizes that are consistent with the surrounding area. Therefore, 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 Marshall

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 # 236/2007



Staff Report
Application # F – 37088
Applicant: Gerald Gauthier & Laura Graham

DATE RECEIVED: November 27, 2006

DATE PREPARED: January 22, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide four 2.0 ha lots for purchase/gifting to relatives of applicants with approximately 2.8 ha remaining. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

There have been numerous applications on this property by the previous owners.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 014-963-451

Lot 2, District Lot 302A, Plan 2953, Except Plans 13936 and NEP61412

Purchase Date:

November 1999

Location of Property:

2330 Upper Glade Road, located between Castlegar and South Slocan on the East side of Kootenay River

Size of Property:

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

Present use of the Property:

Residential: 1 primary residence, 1 mobile home, 2 storage sheds, 1 single detached garage, 1 pump house, no farm use

Surrounding Land Uses:

WEST: Crown land - unoccupied
SOUTH: Residential - non-farm use
EAST: Crown land - mountain
NORTH: Residential, non-farm use

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/5

The majority of the property is identified by the Canadian Land Inventory as having Secondary ratings. However, in 1976 a site inspection to the site in response to application 02-F-EAF-1976-02661-0, conducted by Mr. Cotic, P. Ag. of the Department of Agriculture determined that the actual agricultural capability of the property was different to the original ratings provided by the Canada Land Inventory. The ratings were adjusted to include half of the property being rated as Class 2 "with very slight limitation for any locally adopted crops." In concluding his report, Mr. Cotic wrote that "From the agricultural point of view, bringing a concentrated housing development into this somewhat remote area is undesirable and unnecessary. One-half of the parcel is of prime agricultural capability and the rest is supplementary to it."

Official Community Plan and Designation:

Kootenay-Columbia Rivers OCP Bylaw No. 1157
Designation: None

Zoning Bylaw and Designation:

Regional District of Central Kootenay Zoning Bylaw No. 1675
Designation: Agriculture 4 (AG4)
Minimum Lot Size: 2 ha

PREVIOUS APPLICATIONS:

Application #02661-0

Applicant: Chappell, D & D
Decision Date: April 5, 1977
Proposal: Exclusion of land from the ALR.
Decision: Refused - agricultural capability is high enough to be useful for agriculture.

Application #06790-0

Applicant: Chappell, D & D
Decision Date: August 11, 1978
Proposal: To subdivide 15.3 ha into 11 lots: two 0.8 ha lots, three 0.6 ha lots, two 0.5 ha lots, five 0.6 ha lots, one 7.7 ha lot and 1.5 ha for road allowance.
Decision: Refused: small lot size would inhibit future agricultural use of property.

Application #06790-1

Applicant: Chappell, D & D
Decision Date: October 12, 1978
Proposal: Reconsideration of refusal to allow subdivision as the land which might be used for agriculture would remain as one piece despite the subdivision.
Decision: Refused: subdivision would involve a considerable amount of Class 2 land.

Application #06790-2

Applicant: Chappell, D & D
Decision Date: October 12, 1978
Proposal: Reconsideration: A home on lot 2 encroaches on the property of lot 3 and the proposal seeks a boundary adjustment to resolve the issue.
Decision: Allowed.

Application #06790-3

Applicant: Chappell, D & D
Decision Date: August 28, 1979
Proposal: Reconsideration to subdivide property into 2 ha lots.
Decision: Refused: property contains agricultural capability rating of Class 2.

Application #06790-4

Applicant: Chappell, D & D
Decision Date: October 30, 1979
Proposal: Reconsideration: subdivision of a 0.8 ha lot containing an existing house.
Decision: Allowed: 1.6 ha lot be subdivided along with all non- ALR lands. Access through ALR lands of these new lots will be permitted.

Application #06790-5

Applicant: Chappell, D & D
Decision Date: January 23, 1980
Proposal: Reconsideration: create one (1) lot of 1.6 - 2 ha along northern portion of property and one (1) 0.8 ha lot for the homesite.
Decision: Allow the 0.8 ha subdivision of the homesite and the balance of 14.6 ha.

Application #06790-6

Applicant: Chappell, D & D
Decision Date: June 25, 1980
Proposal: Reconsideration of the location of a right of way along the northerly edge of the property previously supported by the Commission. Instead the applicant preferred the access road to follow the existing private road.
Decision: Allowed.

Application #06790-7

Applicant: Chappell, D & D
Decision Date: March 17, 1980
Proposal: Reconsideration: subdivide 2 ha lot at northern end of the property.
Decision: Allowed with conditions: 0.8 ha lot containing the applicants' homesite in northeast corner of the property, subject to any access to the lots be a 20m access along the northerly boundary of the property.

Application #14207-0

Applicant: Chappell, Doug & Doris
Decision Date: June 9, 1982
Proposal: Exclusion.
Decision: Refused. Subdivision into two 1.4 ha lots with a remainder of 12.5 ha.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments or recommendations

STAFF COMMENTS:

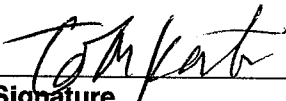
Staff recommends that the Commission consider the following:

- There have been numerous applications and reconsiderations to the Commission by previous owners of the subject property.
- Two previous Commission decision minutes cite the inaccuracy of the Canada Land Inventory in its rating of one half of land on this property as soil scientists have confirmed an actual rating of Class 2.

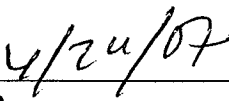
ATTACHMENTS:

1. ALR Map
2. Aerial Photograph
3. Sketch of Proposal
4. Previous Commission Decision Minutes
5. Letter to Previous Applicants on Same Property
6. On-site Inspection by Soil Specialist from Department of Agriculture

END OF REPORT



Signature



Date

