



Agricultural Land Commission
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May 29, 2007

Reply to the attention of Terra Kaethler
ALC File: #Q - 37130

Gary and Deborah Issel
SS1 - Site 2 - 02,
1468 and 1478 Columbia Gardens Road
Fruitvale, BC V0G 1L0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 235/2007 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', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (A-1236-05292-000)

Enclosure: Minutes/Sketch Plan

TK/lv
37130d1.

Provincial Agricultural Land Commission
 Application # 37130
 Resolution #235/2007

Forested Residential

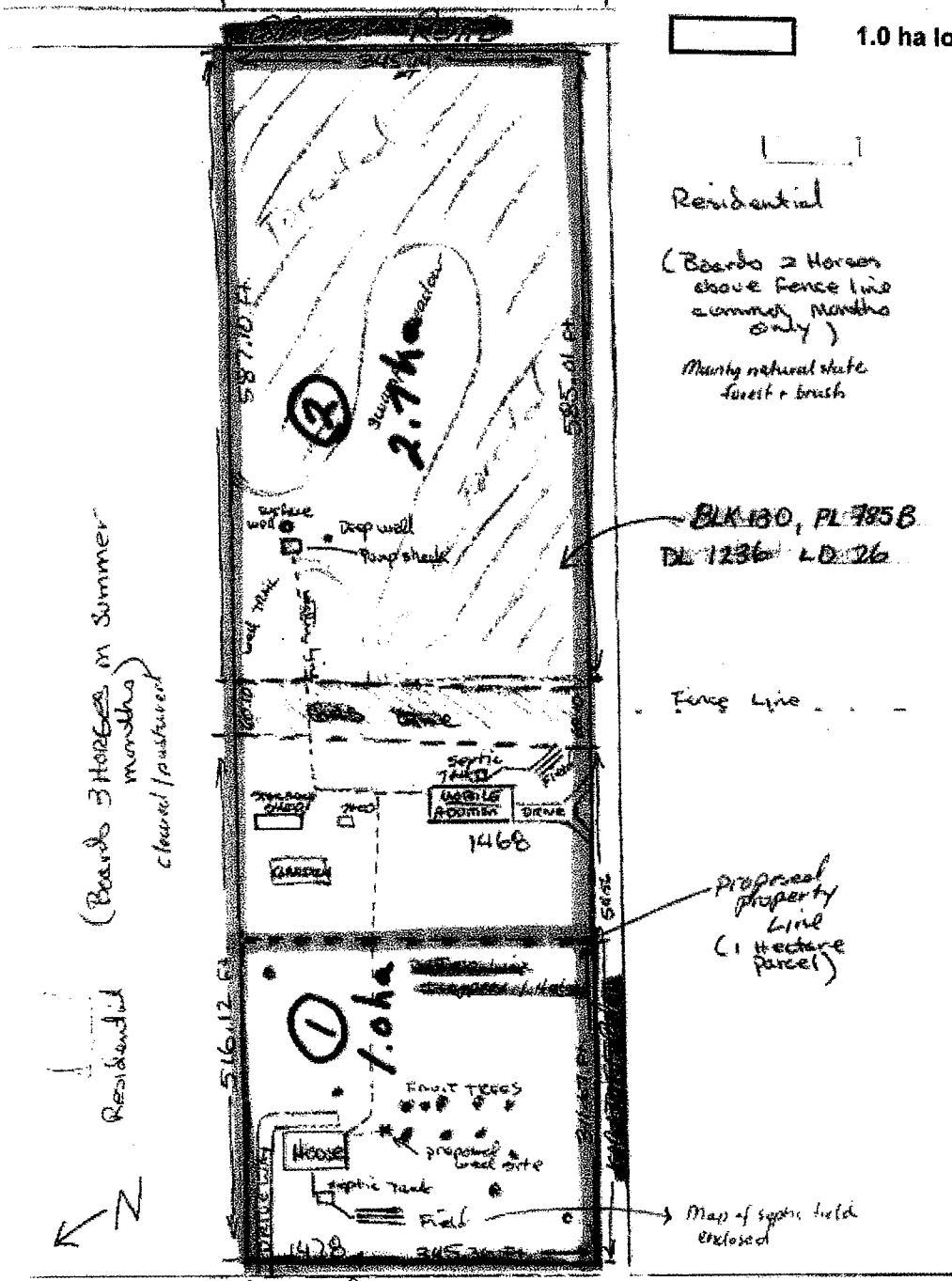
Forested/Residential



Subject Property



1.0 ha lot approved for subdivision



BLK 130, PL 795B
 DL 1236 LD 26

Fence Line

Proposed
 Property
 Line
 (1 Hectare
 parcel)

Map of sonic field
 enclosed

NO STRUCTURES
 unused

Gerald Cavan
 Residential - boys
 Grazed horses in past

Don & Niel
 Residential / Hay's
 2 times
 a year



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # Q- 37130
Applicant: Gary and Deborah Issel
Proposal: To subdivide the 3.7 ha property into one (1) 1.0 ha lot and one (1) 2.7 ha lot.
Legal: PID: 016-039-807
Lot 130, District Lot 1236, Kootenay District, Plan 785B, EXCEPT Part included in Plan 13814
Location: 1468 / 1478 Columbia Gardens Road, Fruitvale

Site Inspection

A site inspection was conducted on May 3, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Deborah Issel Applicant

The Commission viewed the property and discussed the proposal with the applicant. The Commission noted that the parcel was on a slope and that there were two dwellings on the property; the original house, and an upgraded mobile home that had been approved by the Commission in 1977. The property was in a rural residential area of similar lot size. Approximately half of the property had been cleared. The Commission also viewed the property from the southern property line at Green Road.

The applicant confirmed that the staff report dated December 14, 2007 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 property is identified as 70% Class 4 and 30% Class 5 with subclasses of topography and stoniness.

Class 4 – Land in this class has limitations that require special management practices or severely 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.

The Commission determined that the parcel had limited agricultural capability due to a combination of the small size of the property, soil capability ratings and topographical challenges on a portion of 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. Although the Commission generally regards introducing a smaller lot into an area of similar lot sizes to negatively impact agriculture and raise expectation of further subdivision in the area, the Commission considered that the presence of two dwellings on the property significantly limited the current or potential agricultural use of the property. 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 Purdy

SECONDED BY: Commissioner Griffin

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 # 235/2007



Staff Report
Application # Q – 37130
Applicant: Gary and Deborah Issel

DATE RECEIVED: December 14, 2006

DATE PREPARED: January 17, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the 3.7 ha property into one (1) 1.0 ha lot and one (1) 2.7 ha 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: 016-039-807

Lot 130, District Lot 1236, Kootenay District, Plan 785B, Except Part included in Plan 13814

Purchase Date:

July 2, 2002

Location of Property:

1468 / 1478 Columbia Gardens Road, Fruitvale

Size of Property:

3.7 ha (The entire property is in the ALR)

Present use of the Property:

Two dwellings - one house and one mobile home.

Surrounding Land Uses:

WEST: Columbia Gardens Road, forested, no agricultural use
SOUTH: Kabatoff Road, horse grazing, mainly natural state, forest and brush
EAST: Green Road, forested land
NORTH: Single-family dwelling, horse grazing, primarily cleared

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/4
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Area "A" OCP: Bylaw No. 950 (1997)
Designation: Rural

Zoning Bylaw and Designation:

Area "A" Zoning: Bylaw No. 984 (1998)
Designation: Rural 3 (RUR3)
Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #04611-0

Applicants: Mr. and Mrs. Taylor
Decision Date: June 30, 1977
Proposal: To site a mobile home on the 3.7 ha property for the applicants' son. The mobile home was to be a second dwelling.
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

Regional District of Kootenay Boundary forwarded the application with a recommendation of support.

Regional District Advisory Planning Commission

Expressed no concerns with the proposed subdivision.

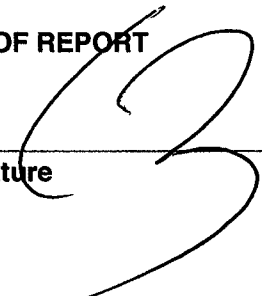
ATTACHMENTS:

1. ALR Constituent Map
2. Aerial Photograph
3. Sketch of Proposed Subdivision
4. ALC Minutes of Previous Application #Q-04611

END OF REPORT

Signature

Date



Jan 17/07