



**Agricultural Land Commission**  
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May 29, 2007

Reply to the attention of Terra Kaethler  
ALC File: #F - 37145

Judith Ann Pollard  
1221 Highway 3A  
Nelson, BC V1L 6J6

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 217/2007 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. It will also confirm for the Registrar the area excluded from the ALR.

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 Central Kootenay (#A0633D-04147-000)

Enclosure: Minutes/Sketch Plan

TK/lv  
37145d1

Sketch of Proposal

KOOTENAY LAKE

P13892

L 1884

ALR

L 1883

± 63.9 ha

PROPOSED SUBDIVISION

L 8390

19

21

22

23

P 920

24

25

26

27

A  
NEP23287

P16792

DD887521

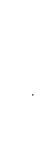
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P2889

Provincial Agricultural Land Commission  
Application # 37145  
Resolution #21772007



ALR Boundary



Subject property



Approved 0.9 ha for subdivision



## 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: # F- 37145  
Applicant: Judith Ann Pollard  
Proposal: To subdivide the 63.9 ha subject property and sell one lot of 0.9 ha for residential use.  
Legal: PID: 016-373-693  
District Lot 1883, Kootenay District  
Location: 1221 Highway 3A, Nelson

### 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
- Judith Ann Pollard Applicant

The applicant confirmed that the staff report dated December 29, 2006 was received and no errors were identified.

The Commission viewed the proposed lot with the applicant and noted its small size and steep slope.

### 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 interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The ratings are on a scale of 1 to 7; (Class 1 – No or only very slight limitations that restrict its use for the production of common agricultural crops to Class 7 – Land in this class has no capability for arable or sustained natural grazing).

The subject property is identified as having secondary ratings of Class 4 (80%) and Class 5 (20%), with limitations of stoniness and topography. The Commission considered that the proposed parcel would have limited agricultural capability due to its small size and marginal soil capability.

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission considered that the two roads that divide the proposed parcel from the remainder of the property render the land unsuitable for agricultural use.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the proposed parcel has limited agricultural capability.
2. That the proposed parcel is not suitable for agricultural use.
3. That the proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Purdy  
**SECONDED BY:** Commissioner Marshall

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 # 217/2007**



**Staff Report**  
**Application # F – 37145**  
**Applicant: Judith Ann Pollard**

**DATE RECEIVED:** December 29, 2006

**DATE PREPARED:** January 22, 2007

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

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

**PROPOSAL:** To subdivide the 63.9 ha subject property and sell one (1) lot of 0.9 ha for residential use. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 016-373-693  
District Lot 1883, Kootenay District

**Purchase Date:**

August 1973

**Location of Property:**

1221 Highway 3A, Nelson

**Size of Property:**

63.9 ha (Approximately 47 ha of the property is in the ALR).

**Present use of the Property:**

Forested land with one small cabin

**Surrounding Land Uses:**

**WEST:** Small lots, residential, and gardens  
**WEST:** Flats at north end of Kootenay Lake  
**EAST:** Small lots, residential, and gardens  
**NORTH:** Forest land, small holdings, large garden

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82K/2  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:**

OCP: None

**Zoning Bylaw and Designation:**

Zoning: None

**RELEVANT APPLICATIONS:**

**Application #29872-0**

Applicant: Chose/Mulkey, Lars/Susan  
Decision Date: July 13, 1995  
Proposal: Subdivide a 1.2 ha lot from the 8.1 ha property  
Decision: Approved: no foreseeable negatives implications for agriculture.

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**Application #36877-0**

Applicant: Dunphy, John & Margaret  
Decision Date: September 28, 2006  
Proposal: To exclude two (2) properties (total area 3.8 ha) to create five lots with lake frontage, approximately 0.8 ha each.  
Decision: Allowed exclusion as proposed - very limited agricultural capability.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**

Staff recommends that the Commission consider the following:

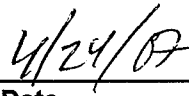
- There have been numerous applications to the Commission from properties surrounding the subject property.
- A site visit may help determine if the road poses an obstacle to farming and what impact the proposed subdivision would have on the parcel and agriculture in the area.

**ATTACHMENTS:**

1. ALR Map
2. Aerial Photograph
3. Sketch of Proposal

**END OF REPORT**

  
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Signature

  
\_\_\_\_\_  
Date