



Agricultural Land Commission
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May 30, 2007

Reply to the attention of Terra Kaethler
ALC File: #Q - 37223

Ann Dee Holtby
RR2 - Site 80 - Comp 16
3571 Kettle Valley Road, East
Rock Creek, BC V0H 1Y0

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 240/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (#E-912s-04218-000)

Enclosure: Minutes

TK/lv
37223d1.



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

For Consideration

Application: # Q - 37223
Applicant: Ann Dee Holtby
Proposal: Subdivision for a Relative: The proposal is to subdivide the 3.6 ha lot to create one (1) 1 ha lot and one (1) at 2.6 ha.
Legal: PID: 007-001-525
Lot 52, District Lot 683, Similkameen Division of Yale District, Plan 378
Location: Located at 3571 Kettle Valley East Road, Rock Creek

Site Inspection

A site inspection was conducted on May 2, 2007. Those in attendance were:

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

The Commissioners viewed the property and discussed the proposal with the applicant. The Commission noted the steep bank to the Kettle River and that the bottom portion of the property flooded. The majority of the property was an alfalfa field.

The applicant confirmed that the staff report dated February 7, 2007 was received and clarified that she bought the property in 1989.

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 100% Class 3 (improved) with subclasses of moisture deficiency and excess water. Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Given the reasonable agricultural capability, the Commission considered that a subdivision would not be warranted.

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 does not believe there are external factors that 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 property was consistent with the surrounding lot sizes and the Commission believes that the current size of the property was sufficient to support small scale agriculture. The Commission believes the proposal would impact the existing or potential agricultural use of the surrounding lands by introducing a small lot into this area and raising expectations of future subdivisions in the area.

Assessment of Other Factors

The Commission also noted that the local government had no comments on the application and the Advisory Planning Committee did not support the application.

Conclusions

1. That the land under application has agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed.

CARRIED

Resolution # 240/2007



Staff Report
Application # Q – 37223
Applicant: Ann Dee Holtby

DATE RECEIVED: February 07, 2007

DATE PREPARED: April 23, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide the 3.6 ha lot to create one (1) 1 ha lot and one (1) at 2.6 ha.

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

BACKGROUND INFORMATION:

The applicant would like to subdivide a 1 ha lot around her home site, and sell the remaining 2.6 ha parcel to her daughter. The 1 ha lot would be accessed by a 10 m wide panhandle along the western boundary of the proposed remainder and would have access to the river by means of a 20 m wide panhandle.

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

PID: 007-001-525

Lot 52, District Lot 683, Similkameen Division of Yale District, Plan 378

Purchase Date:

June 27, 2005

Location of Property:

3571 Kettle Valley East Road, Rock Creek

Size of Property:

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

BACKGROUND INFORMATION:

Present use of the Property:

Residence, mobile home for daughter and family. Alfalfa on the non-flood plain, two sheep, pump house, three sheds.

Surrounding Land Uses:

WEST: Residence, horses
SOUTH: Residence/sheep, alfalfa
EAST: Horse farm
NORTH: Across River, home on acreage, farm

Agricultural Capability:

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

Official Community Plan and Designation: N/A

Zoning Bylaw and Designation: N/A

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional District of Kootenay Boundary Board: In favour of forwarding the application.

Local Planning Staff: Recommends that the application be forwarded to the ALC.

Advisory Planning Commission: Does not support the application.

Agricultural Advisory Committee: N/A

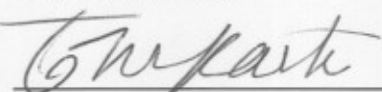
STAFF COMMENTS:

- The majority of the proposed lot appears to be on a steep ravine leading down to the flood plain. The remainder of the property keeps the alfalfa field intact.
- The surrounding lot sizes are all similar in size to the current parcel. This is the first subdivision application to come forward in this area since the 1970's.
- A site visit may help to determine the impact of the proposal to agriculture on this property and surrounding lands.

ATTACHMENTS:

- Letter from applicant
- ALC Constituent Map #12
- Sketch of proposed subdivision
- Aerial Photo

END OF REPORT



Signature

4/23/07

Date