



**Agricultural Land Commission**  
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May 31, 2007

Reply to the attention of Terra Kaethler  
ALC File: #Q - 37225

Erick Kaffka  
6465 Sidley Mountain Road  
Bridenville, BC V0H 1B0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 241/2007 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. The signature is fluid and cursive.

Erik Karlsen, Chair

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

Enclosure: Minutes

TK/lv  
37225d1.



## **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 majority of the subject property is rated Class 3 with subclasses of topography and stoniness

Class 3 – 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 and the large size of the property, 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 property is located in an agricultural area of ranch lands and working farms. It is consistent with the surrounding lot sizes. The property does have water available. Therefore 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 Commission believes the proposal would impact existing or potential agricultural use of surrounding lands by introducing small lots into an agricultural area and raising expectations of future subdivisions in the area.

### **Assessment of Other Factors**

The Commission also noted that the local government and Advisory Planning Committee did not support the application. Further, in reviewing the previous applications for subdivision on the subject property, which were refused by the Commission, the Commission did not consider that substantial new information had been presented.

### **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 Marshall

**SECONDED BY:** Commissioner Purdy

THAT the application be refused.

### **CARRIED**

**Resolution # 241/2007**



**Staff Report  
Application # Q – 37225  
Applicant: Erick Kaffka**

**DATE RECEIVED:** February 07, 2007

**DATE PREPARED:** April 23, 2007

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

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide the 64 ha subject property into a total of seven (7) lots ranging in size from 5.84 ha to 18.7 ha. Proposed lots would be created as hobby farms.

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

**BACKGROUND INFORMATION:**

The property has been subject to several subdivision and exclusion application in the 1981/1982. In all instances the applications were not supported by the APC, the Planning Committee, or the Regional Board, and were refused by the ALC. The Commission cited several reasons for refusal, including that the property had good agricultural capability, that the property lies within a large range unit, and that the proposed lot sizes would be incompatible with the surrounding lot sizes.

**Local Government:**

Regional District of Kootenay-Boundary

**Legal Description of Property:**

PID: 010-367-039  
District Lot 912s, Similkameen Division of Yale District, EXCEPT 1) Part thereof shown on Plan attached to DD2341F, 2) Plan B410

**Purchase Date:**

03/01/2004

**Location of Property:**

6465 Sidley Mountain Road, Bridesville

**Size of Property:**

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

**BACKGROUND INFORMATION cont.:**

**Present use of the Property:**

Residence, hobby farm, horse pasture

**Surrounding Land Uses:**

**WEST:** Cattle, pasture  
**SOUTH:** Hay and barn  
**EAST:** Cattle and hay, pasture, barns and residence  
**NORTH:** Hobby farm, residential, pasture

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/3  
The property is identified as having Mixed Prime and Secondary ratings. The majority is rated as Class 3.

**Official Community Plan and Designation:** N/A

**Zoning Bylaw and Designation:** N/A

**PREVIOUS APPLICATIONS:**

**Application #15394-0**

**Applicant:** Durward, William R.  
**Decision Date:** November 25, 1982  
**Proposal:** To exclude the subject property for the purpose of subdividing into 4 equal sized lots.  
**Decision:** Refused on the grounds that it would reduce the agricultural potential of the parcel, and contribute to the fragmentation of agricultural surrounding lands.

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**Application #12161-0**

**Applicant:** Durward, W  
**Decision Date:** June 11, 1981  
**Proposal:** To subdivide the subject property into three lots.  
**Decision:** Refused on the grounds that the property has good agricultural capability and the proposed lot sizes are inconsistent with the surrounding lands. Reconsidered August 1981 (Resolution #1402/1981) to subdivide into 4 lots. Refused.

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**RELEVANT APPLICATIONS:**

**Application #35970-0 (Adjacent to East)**

**Applicant:** Kelly, Irvine & Carolyn  
**Decision Date:** May 11, 2005  
**Proposal:** To subdivide a 0.4 ha lot off the subject property which would include the applicant's house. The proposed parcel size of 0.4 ha does not meet the Interior Health requirement of a minimum 1 ha parcel when not connected to community sewer. Interior Health will be commenting separately on this proposal.  
**Decision:** Allow proposed subdivision subject to consolidation of adjacent property. The Commission reconsidered to allow a 1 ha subdivision of the subject property without consolidation provided a no build covenant is registered on the remnant parcel for 5 years from the date of the decision letter.

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**Application #35155-0**

**Applicant:** Miller, Daniel & Sonya

**Decision Date:** March 19, 2004

**Proposal:** To subdivide the 129 ha property into two equal parcels of 64.5 ha each. The applicant has two sons and each would acquire a lot and continue to farm it.

**Decision:** Refuse as the property is suitable for agricultural use.

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**Application #34008-0 (Adjacent to South)**

**Applicant:** Lehman, Dale

**Decision Date:** November 02, 2001

**Proposal:** To subdivide 24 ha of old growth forest from the 103 ha property as divided by Nine Mile Creek. It is intended that the 24 ha be certified as ecologically significant and donated to the Land Conservancy of BC as an Ecological Gift.

**Decision:** Allow as requested.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Kootenay Boundary Regional District Board:** Does not support the application.

**Advisory Planning Commission:** Does not support the application on the grounds that no substantive changes have been made from earlier applications that were turned down by the ALC due to the agricultural value of the land.

**Local Government Staff:** That the application be forwarded.

**Planning and Development Committee:** Does not support the application based on the APC comments.

**Agricultural Advisory Committee:** N/A

**STAFF COMMENTS:**

That the Commission consider the following:

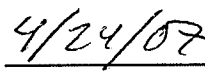
- The proposed lots are smaller than those in previously denied applications, and substantially smaller than the surrounding properties.
- The two small lots to in the southeast corner of the property were created prior to the ALC.

**ATTACHMENTS:**

- ALC Base Map # 82E/3
- ALC Constituent Map # 16
- Sketch of proposed subdivision plan
- Sketch of current land uses

**END OF REPORT**

  
Signature

  
Date