



Agricultural Land Commission
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October 11, 2007

Reply to the attention of Terra Kaethler
ALC File: # F - 37436

Ken and Heather Wells
PO Box 159 - 309 Caribou Creek Road
Burton, BC V0G 1E0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 459/2007 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 Central Kootenay (A0714K-02471-000)

Enclosure: Minutes/Sketch Plan

TK/iv
37436d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 06, 2007 in Nelson, B.C.

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

For Consideration

Application: # F- 37436
Applicant: Ken and Heather Wells
Proposal: To subdivide the subject property into three (3) lots
Legal: PID: 016-014-324
Lot 6, District Lot 7699, Kootenay District, Plan 844
Location: 309 Caribou Creek Road, Burton

Site Inspection

A site inspection was conducted on September 5, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Darryl Smith Agrologist, Ministry of Agriculture and Lands
- Ken and Heather Wells Applicants

The Commission met with the applicants and walked the property. At the on-site, the applicants informed the Commission that they had revised their proposal to subdivide one lot of 2.5 ha. The area across the creek would stay with the remainder of the property (5.5 ha). The Commission noted that the soils appeared very limited for agriculture.

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

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 agricultural capability of the portion of the subject property within the ALR is identified as 70% Class 3 and 30% Class 1 (improvable) with limitations of moisture deficiency. The ratings for the non-ALR portion of the property were rated as 60% Class 5 and 40% Class 7 with limitations of stoniness and inundation. However, upon the site visit, the Commission concluded that the agricultural capability maps were incorrect. The ALR portion of the subject property appeared to be closer to the rating of the non-ALR portion of the property (Class 5 and 7).

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

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

The Commission believed that the agricultural capability of the property was limited. As such, it 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 Marshall

THAT the application to subdivide one lot of 2.5 ha 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 # 459/2007



Staff Report
Application # F – 37436
Applicant: Ken and Heather Wells

DATE RECEIVED: May 17, 2007

DATE PREPARED: June 28, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the subject property into three (3) lots. 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: 016-014-324
Lot 6, District Lot 7699, Kootenay District, Plan 844

Purchase Date:

October 2005

Location of Property:

309 Caribou Creek Road, Burton

Size of Property:

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

Present use of the Property:

Residence, workshop, old cabin, two wood sheds

Surrounding Land Uses:

WEST: Single Family Dwelling - no agriculture use
SOUTH: Single Family Dwelling - no agriculture use
EAST: Single Family Dwelling - no agriculture use
NORTH: Single Family Dwelling - no agriculture use

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F13
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 1248
Designation: Agriculture (AG) under Area K Rural Land Use

Zoning Bylaw and Designation:

Minimum Lot Size: 8 ha, currently under a rezoning application to reduce lot size to 2 ha under R3 Zone of Area "K" Rural Land Use Bylaw 1248

RELEVANT APPLICATIONS:

Application #36048-0

Applicant: Volansky, Brent & Patricia
Decision Date: August 10, 2005
Proposal: To subdivide a 12.1 ha lot from the 51.5 ha subject property.
Decision: Approved in view of limited agricultural potential of subject property

Application #36809-0

Applicant: Wyatt, Paul
Decision Date: September 27, 2006
Proposal: To subdivide the 16.6 ha property into two 8.3 ha lots.
Decision: Allowed subdivision as requested - no negative impact on agriculture.

Application #37146-0

Applicant: Miller, Timothy
Decision Date: May 03, 2007
Proposal: To subdivide the property into three (3) lots. One lot is stated to be 2.39 Ha. One proposed lot has the area of 2.9 ha. The remaining 3.4 ha will make up the third lot.
Decision: Allowed as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

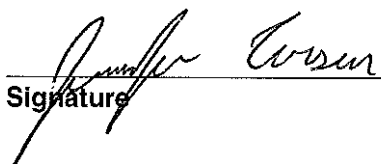
Staff:


Has no objection to the proposed subdivision and a zoning amendment is currently pending approval by the ALC.

ATTACHMENTS:

1. Sketch of Proposal
2. Agricultural Capability Map
3. Base Map
4. Aerial Photograph

END OF REPORT


Signature


Date