



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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March 20, 2006

Reply to the attention of Ron Wallace

James Hutchinson  
552 Wellspring Road  
Lister, BC V0B 1G12

Dear Sir:

Re: **Application #F-36450**  
**Lot A, District Lot 251, Kootenay District, Plan 973, EXCEPT 1) Part included in SRW Plan 13863 and 2) Part included in Plan 14336**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude the above noted property from the ALR in order to subdivide the property, as divided by Rykerts Creek. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*.

The Commission wishes to thank you for taking the time to meet with its representatives on 1 March 2006. The Commission found the meeting and site visit informative.

The Commission refused exclusion of the property from the ALR on the grounds that it has two arable fields suitable for agriculture. It was also felt that while Rykerts Creek creates a significant division between the two arable portions of the property, it is still feasible to farm the property as a whole.

For this reason, the Commission refused your application as proposed.

The decision noted above is recorded as Resolution **#117/2006**.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay – A0524B-01348-250

RW/lv  
36450d1

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 2 March 2006 in Cranbrook, B.C.**

**PRESENT:**     Monika Marshall                             Chair  
                  Carmen Purdy                                 Commissioner

**ABSENT:**     Cheryle Huscroft                             Commissioner

**STAFF:**       Ron Wallace, Regional Research Officer

**For Consideration**

Ron Wallace presented the staff report dated 21 February 2006 regarding application #F-36450, James Hutchinson. The application is to exclude the subject property from the ALR in order to subdivide the property as divided by Rykerts Creek.

**Site Inspection and Exclusion Meeting**

A site inspection was conducted on 1 March 2006. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Applicant James Hutchinson

The applicant, Mr. Hutchinson, explained to the Commission that even though he made an exclusion application, his main intention is to subdivide the property into two lots as divided by Rykerts Creek. The proposed exclusion application was made at the recommendation of the Regional District pursuant the policy of the Board that all applications for ALR inclusion and/or exclusion be forwarded to the ALC with a completed Schedule 2 and information package.

During the on-site inspection and meeting the Commission noted that the property has two arable fields suitable for agriculture with Rykerts Creek and a steep ravine dividing the farm.

The site inspection lasted from 12:45 p.m. to 1:15 p.m.

**Commission Discussion**

The Commission refused exclusion of the property from the ALR on the grounds that it has two arable fields suitable for agriculture. It was also felt that while Rykerts Creek creates a significant division between the two arable portions of the property, it is still feasible to farm the property as a whole.

**IT WAS**

**MOVED BY:** Commissioner M. Marshall

**SECONDED BY:** Commissioner C. Purdy

THAT the staff report be received and the application to exclude the subject property from the ALR be refused as proposed.

CARRIED



**Staff Report**  
**Application # F – 36450**  
**Applicant: James Hutchinson**

**DATE PREPARED:** February 21, 2006

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

**FROM:** Ron Wallace, Regional Research Officer

**PROPOSAL:** To exclude the subject property from the ALR in order to subdivide the property, as divided by Rykerts Creek.

This application is made pursuant to section 30(1) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The Commission has received one letter from a local resident who is opposed to this application for exclusion from the ALR (copy attached).

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

1. PID: 006-200-656  
Lot A, District Lot 251, Kootenay District, Plan 973, EXCEPT 1) Part included in SRW Plan 13863 and 2) Part included in Plan 14336;

**Purchase Date (m/d/y):**

12/15/1997

**Location of Property:**

552 Wellspring Road, Lister

**Size of Property:**

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

**Present use of the Property:**

The property has two hay fields and some pasture land. There is a house, two barns and a shop on site.

**Surrounding Land Uses:**

**WEST:** Hay fields, rural residential  
**SOUTH:** Rural residential  
**EAST:** Hay fields, rural residential  
**NORTH:** Hay fields, rural residential

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/1  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

The property is designated Agriculture within the Creston Valley OCP

**Zoning Bylaw and Designation:**

Agriculture 2 (AG2), 8 ha minimum lot size

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board**

Pursuant to Board policy this application has been forwarded to the Commission under Resolution 456/98, no comment.

**Local Government Staff**

Has expressed objection to the application as the proposal does not meet current minimum size requirements.

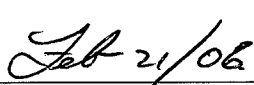
**STAFF COMMENTS:**

The subject property is located within a large area of ALR land with significant levels of agricultural activity. It is clear from the Agricultural Capability Map # 82F/1 that the middle portion of the property, at the location of Rykerts Creek and gully, that the land is rated as class 6 with steep topography as a limiting factor. However, the remainder of the property has an improved rating of class 2 and class 3 with undesirable soil structure and topography as limiting factors. Staff recommends the exclusion of the property from the ALR be refused but consideration be given to subdivision along Rykerts Creek.

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**END OF REPORT**

  
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Signature

  
\_\_\_\_\_  
Date