



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

June 16, 2006

Please reply to the attention of Roger Cheetham

Pamela Guille and Steve Barabonoff  
4399 Bird Creek Road  
Nelson, BC V1L 6X2

Dear Sir/Madam:

**RE: Application #F-36674**  
PID: 016-451-783  
District Lot 10580, Kootenay District, EXCEPT 1) Plans RW 50 and NEP23693  
2) Part within District Lot 6305

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the subject property. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission writes to advise that it approved your application having regard to the limited agricultural potential of the subject property and to previous Commission decisions in the area. Its approval is subject to compliance 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. The Commission suggests you contact the Central Kootenay Regional District at your earliest convenience.

The decision noted above is recorded as Resolution # **278/2006**.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

pc: Regional District of Central Kootenay (#A0610E-09863100)

RC/lv  
36674d1.

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on 30<sup>th</sup> May 2006 in Cranbrook, B.C.

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

**STAFF:**        Roger Cheetham, Planning Officer

**For Consideration**

Roger Cheetham presented the staff report of Ron Wallace dated 18<sup>th</sup> May 2006 regarding application # F- 36674.

**Commission Discussion:** In the light of the limited agricultural potential of the property and previous Commission decisions in the Blewett area the Commission was of the opinion that the application could be supported.

**IT WAS**

**MOVED BY:**             Commissioner M. Marshall  
**SECONDED BY:**        Commissioner C. Purdy

THAT the staff report be received and the application be approved as recommended.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # F – 36674**  
**Applicant: Pamela Guille**

**DATE PREPARED:** May 18, 2006

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

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

**PROPOSAL:** To subdivide a 0.9 ha lot, a 2.5 ha lot and a 2.7 ha lot from the 14.8 ha subject property, leaving a 8.7 ha remainder.

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

**BACKGROUND INFORMATION:**

The applicant notes that a neighbour has expressed interest in purchasing proposed Lot 1 (0.9 ha) to join it to his property. It is also noted that proposed lot 1 is separated from the remaining property by a steep canyon and Forty-nine Creek.

Proposed Lot 2 contains the applicant's home.

Proposed Lot 3 and 4 are separated from the applicant's home by Bird Creek Road and the gas line right of way.

**Local Government:**

Regional District of Central Kootenay

**Legal Description of Property:**

PID: 016-451-783  
District Lot 10580, Kootenay District, Except 1) Plans RW 50 and NEP23693 2) Part within District Lot 6305

**Purchase Date:**

May 1994

**Location of Property:**

4399 Bird Creek Road, Nelson

**Size of Property:**

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

**BACKGROUND INFORMATION (continued):**

**Present use of the Property:**

Single family residence, barn, woodshed, approximately 0.8 ha fenced for horses

**Surrounding Land Uses:**

**WEST:** Large acreage, primarily timbered with small hobby farm  
**SOUTH:** Logged, uninhabited land  
**EAST:** Smaller acreage, primarily timbered, small hobby farm  
**NORTH:** Small residential parcels

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/6  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

N/A

**Zoning Bylaw and Designation:**

N/A

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**


**Regional District of Central Kootenay:** Forwarded without comment.

**STAFF COMMENTS:**

The proposed subdivision appears like a logical division as the proposed 0.9 ha lot is separated by steep canyon and the other two proposed lots by the road. A site visit could determine the impact of the road/canyon on operation of the farm as a whole unit.

---

**END OF REPORT**

  
\_\_\_\_\_  
**Signature**

*19 May 2006*  
\_\_\_\_\_  
**Date**

