



Agricultural Land Commission
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December 14, 2006

Reply to the attention of Gordon Bednard
ALC File: #L-36818

Michael & Michelle McKinnon
RR#1, Site 4-B8, 8244 Betts Road
Wardner, BC V0B 2J0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 617/2006 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:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-706-314)

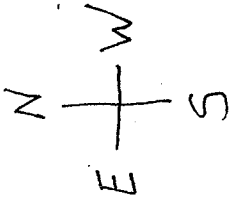
GB/lv/Encl.: Minutes/Sketch Plan
36818d1

Provincial Agricultural Land Commission

Application: L-36818
Resolution # 617/2006

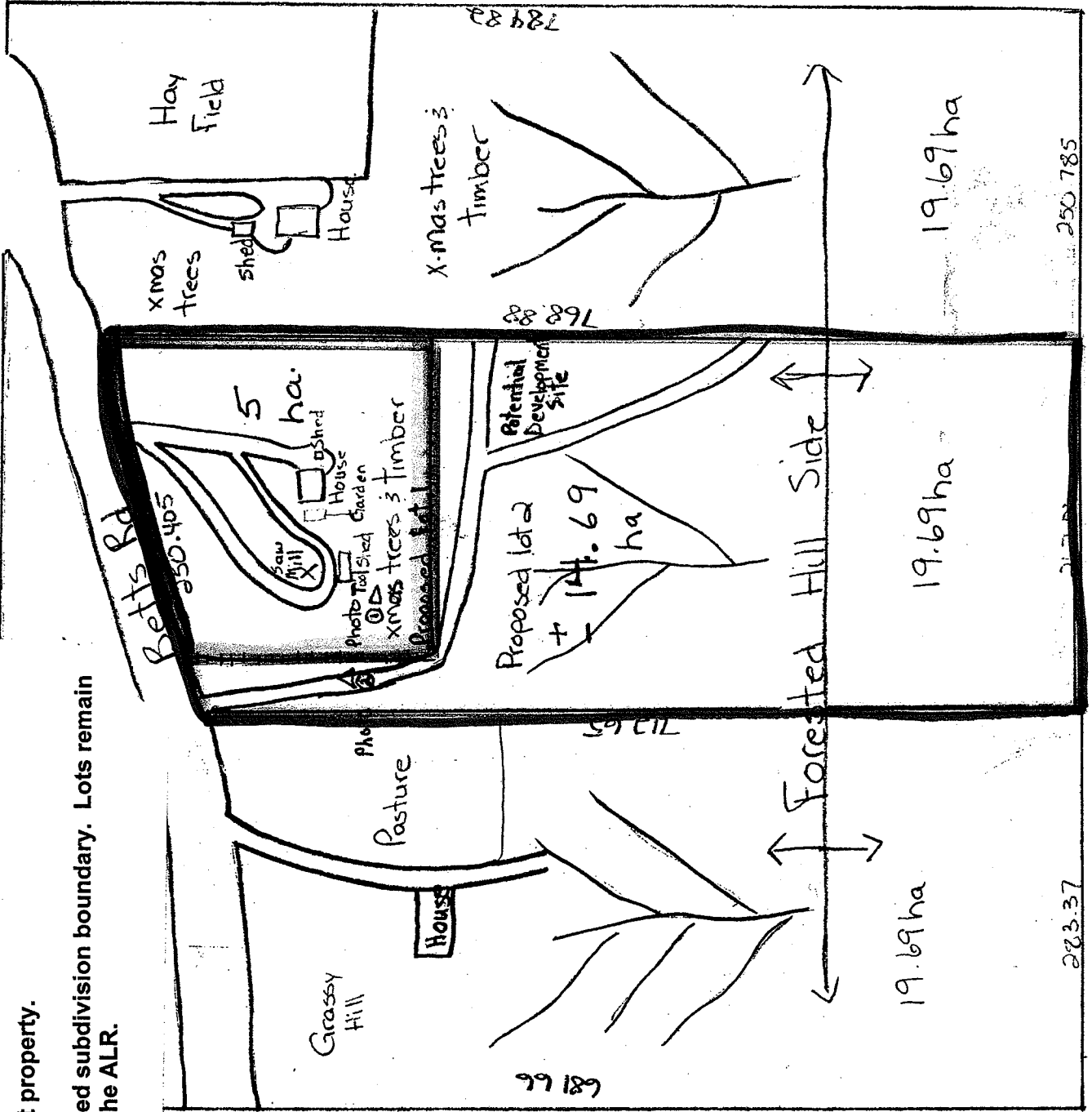
Subject property.

Approved subdivision boundary. Lots remain within the ALR.



RECEIVED
PROV. AGRICULTURAL
LAND COMMISSION
JUL 12 2006

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D.L. 11778



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 18, 2006 at Cranbrook, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 Erik Karlsen Chair, ALC
 Gordon Bednard Staff, ALC

For Consideration

Application: # L- 36818
Applicant: Michael & Michelle McKinnon
Proposal: To subdivide the 19.7 ha property into a 5 ha lot and a 14.7 ha lot.
Legal: PID: 005-780-268
 Lot 2, District Lot 11777, Kootenay District, Plan 17325
Location: 8244 Betts Road, Wardner

Site Inspection

A site inspection was conducted on October 17, 2006. Those in attendance were:

 Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 Erik Karlsen Chair, ALC
 Gordon Bednard Staff, ALC
 Michelle McKinnon Co-owner

The Commission discussed the application with Michelle McKinnon and viewed the property.

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 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.

In the case of this application the capability rating from available mapping indicated the property was composed of secondary land (improved class 5 and 6). This was confirmed by onsite observation.

IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Carmen Purdy

THAT the application be allowed as presented based on the poor agricultural capability of the land.

AND THAT the approval is subject to the subdivision be in substantial compliance with the plan submitted with the application.

AND THAT 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 # 617/2006



Staff Report
Application # L – 36818
Applicant: Michael & Michelle McKinnon

DATE RECEIVED: July 12, 2006

DATE PREPARED: September 1, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 19.7 ha property into a 5 ha lot and a 14.7 ha lot.

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

BACKGROUND INFORMATION:

The applicants are proposing subdivision in order to develop 2 Christmas tree farms.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 005-780-268
Lot 2, District Lot 11777, Kootenay District, Plan 17325;

Purchase Date:

September 1997

Location of Property:

8244 Betts Road, Wardner

Size of Property:

19.7 ha

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Residential, pasture, dense forest
SOUTH: Crown Land
EAST: Residence, partially developed christmas tree farm
NORTH: Forested, vacant lot

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/05
The majority of the property is identified as having Prime Dominant ratings.

PREVIOUS APPLICATIONS:

Application #29131-0

Applicant: Matwichuk, Darlene
Decision Date: August 10, 1994
Proposal: To subdivide the 20 ha property into two 7 ha lots and one 5 ha lot.
Decision: Refused as proposed on the grounds that subdivision would heighten the expectations of other property owners in the area leading to similar requests, the loss of agricultural land and an increase in land prices to the detriment of agriculture.

Application #16811-0

Applicant: Bernard, Hugget, Knight
Decision Date: 1983
Proposal: To subdivide the 63.5 ha property into three lots of 20 ha and one 3.5 ha lot.
Decision: Refused initially and approved on reconsideration due to the poor agricultural potential of the property.
Note: This subdivision resulted in the creation of the subject property.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of East Kootenay Board: The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Commission: The APC recommended the application be approved. the application generated some discussion regarding splitting up land in an area where most lots are presently 20 ha.

Agricultural Advisory Commission: The AAC accepted the application as presented.

ATTACHMENTS:

- Description of subdivision proposal and reasons for the request (Submitted by the applicants)
- Map showing the proposed subdivision (Submitted by the applicants)
- ALC Context map (82G/5) 1:50,000 (Created by ALC Staff.)
- E-mail correspondence between Rob Gay and Marie James (Dated June 22, 2006) (Submitted by the RDEK)

END OF REPORT

Simone Rivers
Signature

Sept 1, 2006
Date