



Agricultural Land Commission
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November 20, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36832

Eleanor Nichol
PO Box 1277
Kaslo, BC V0G 1M0

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 556/2006 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:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0621D-3162000)

Encl.: Minutes/Sketch Plan
GB/eg/36832d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 28, 2006 at Kaslo, B.C.

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

For Consideration

Application: # F- 36832
Applicant: Eleanor Nichol

Proposal: To subdivide the 9.6 ha property as divided by Highway 31 creating a
 3.2 ha lot and a 6.4 ha lot.
Legal: PID: 025-327-704
 Lot A, District Lot 819, Kootenay District, Plan NEP70722
Location: Kaslo

Site Inspection

A site inspection was conducted on September 28, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Commissioner
Gordon Bednard	Staff, ALC
Stan Combs	Staff, Ministry of Agriculture and Lands

The applicant did not attend the onsite inspection. The Commission viewed the property and noted that the proposed subdivision line would separate the steeply sloping western portion of the lot from the better agricultural lands to the east, using the highway as the dividing line.

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. Available mapping indicates that the subject property has a mixture of class 3 (prime) and class 7 (secondary) land. This is borne out by observations made by the Commission during the onsite, where the portion of the property east of the highway are gently sloping and have agricultural potential, the land to the west is steeply sloping and would be very challenging for agricultural activities.

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 does not believe the proposal would impact existing or potential agricultural use of surrounding lands as there is little agricultural use on or adjacent to the western portion of the subject property.

Conclusions

1. That the land under application has mixed agricultural capability with the road being a distinctive dividing line between the poor and better capability lands.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Erik Karlsen

THAT the application be approved as proposed.

AND THAT the the subdivision be in substantial compliance with the plan submitted with the application;

AND THAT the approval is granted to the applicant only and must be acted upon 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 # 556/2006



Staff Report
Application # F – 36832
Applicant: Eleanor Nichol

DATE RECEIVED: July 17, 2006

DATE PREPARED: September 5, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide the 9.6 ha property as divided by Highway 31 creating a ± 3.2 ha lot and a ± 6.4 ha lot.

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

BACKGROUND INFORMATION:

The applicant is proposing to subdivide the property as divided by the highway. The ALR boundary is located slightly west of the highway; however, the majority of the lot west of the highway would be outside of the ALR.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 025-327-704
Lot A, District Lot 819, Kootenay District, Plan NEP70722

Purchase Date:

July 2004

Location of Property:

Kaslo

Size of Property:

9.6 ha

ALR Area:

± 3.4

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Residential (Forest Side)

SOUTH:

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/15

The majority of the property is identified as having Secondary ratings.

ATTACHMENTS:

- ALR Context Map - BCGS 82F.096 - 1:20,000 (Created by ALC Staff)
- Map - BCAA Information (Submitted by Central Kootenay Regional District)
- Sketch of Proposed Subdivision (Submitted by the applicant)

END OF REPORT

Simone Rivers

Signature

Sept 5, 2006

Date