



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

November 14, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36862

Julian Belli-Bivar
6882 Harrop-Procter Road
Nelson, BC V1L 6R2

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 540/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Kansen, Chair

cc: Regional District of Central Kootenay (#A0620E-02106-600)

GB/lvEncl.: Minutes
36862d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 27, 2006 at Nelson, B.C.

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

For Consideration

Application: # F- 36862
 Applicant: Julian Belli-Bivar

Proposal: To exclude a 0.4 ha lot from the 1.4 ha property. The applicant's goal is to create the new lot either by exclusion or subdivision within the ALR.

Legal: PID: 005-283-299
 Lot A, District Lot 306, Kootenay District, Plan 7310

Location: 6882 Harrop-Procter Road, Nelson

Site Inspection

A site inspection was conducted on September 26, 2006. Those in attendance were:

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

The Commission viewed the area surrounding the existing manufactured home which was proposed for exclusion and/or subdivision, and discussed the application with Mr. Belli-Bivar.

Exclusion Meeting

An exclusion meeting was conducted on September 26, 2006 at the property. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Chair, ALC
Gordon Bednard	Staff, ALC
Stan Combs	Staff, Ministry of Agriculture
Julian Belli-Bivar	Landowner

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 Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would impact existing or potential agricultural use of the subject property and surrounding lands by the creation of a residential lot within this area of small farm properties.

While the Commission is sympathetic to the personal circumstances cited by the applicant during the onsite inspection, these cannot be considered by the Commission as reasons for exclusion or subdivision of agricultural land. The Commission is not in favour of the creation of additional residential lots as these are seen by the Commission as having the potential to negatively impact on present and future agricultural activity in the area.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Erik Karlsen

THAT the application be refused.

CARRIED

Resolution # 540/2006



**Staff Report
Application # F – 36862
Applicant: Julian Belli-Bivar**

DATE RECEIVED: August 10, 2006

DATE PREPARED: September 14, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 0.4 ha lot from the 1.4 ha property.

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

BACKGROUND INFORMATION:

The applicant has applied for exclusion of the property but has stated that his goal is for the creation of the 0.4 ha lot. He would like to achieve this goal either by excluding the property or by subdividing within the ALR.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 005-283-299
Lot A, District Lot 306, Kootenay District, Plan 7310

Purchase Date:

December 1988

Location of Property:

6882 Harrop-Procter Road, Nelson

Size of Property:

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

Present use of the Property:

Residential, mobile home, garage/shop, kitchen garden, automobile storage area.

Surrounding Land Uses:

WEST: Residential, kitchen garden, horse corrals
SOUTH: Residential, kitchen garden
EAST: Residential, horse corrals/mostly steep and wooded

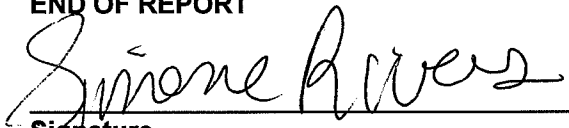
Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/11
The majority of the property is identified as having Prime Dominant ratings.

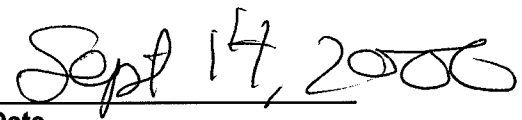
ATTACHMENTS:

- Sketch of proposed subdivision (Submitted by the applicant)
- Orthophoto (submitted by Central Kootenay Regional District)
- ALR Context Map - BCGS 82F.065 - 1:20,000 (created by ALC Staff)

END OF REPORT



Signature



Date

