



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 17, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36935

Christopher Choquette
4702B Highway 3A
Nelson, BC V1L 6N3

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 548/2006 outlining the Commission's decision as it relates to the above noted application.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title #S7239.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0627A-05171-000)
BC Land Title & Survey, Nelson

Encl.: Minutes/Sketch Plan
GB/eg/36935d1

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. The Commission considered that the land under application has very limited agricultural capability and is not appropriately designated as ALR.

IT WAS

MOVED BY: Commissioner Monika Marshall

SECONDED BY: Commissioner Carmen Purdy

THAT the application be allowed and the subject property be removed from the ALR as requested for the above reasons.

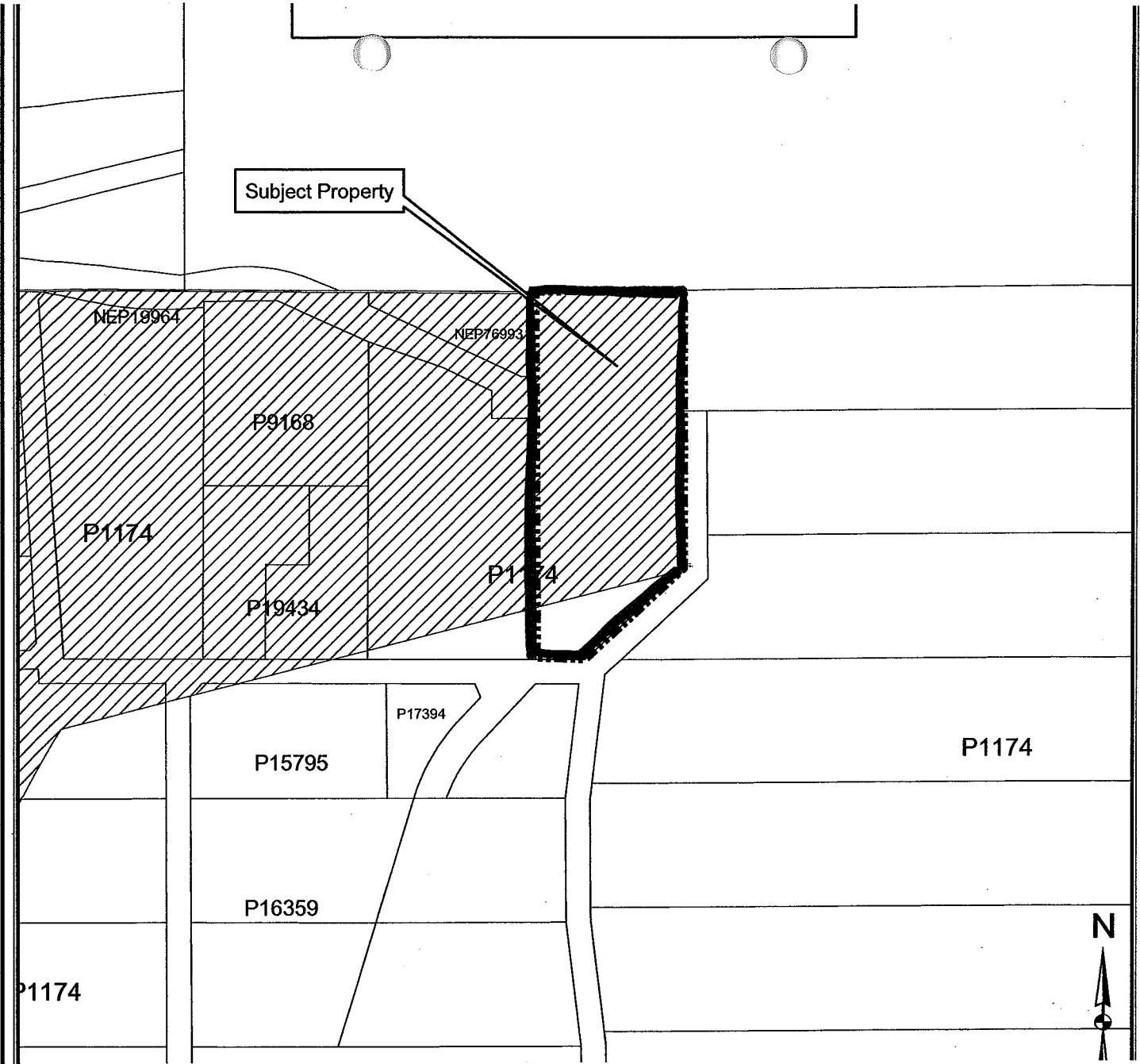
AND THAT the approval is subject to the following conditions:

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 # 548/2006



Provincial Agricultural Land Commission

Application: F-36935
 Resolution # 548/2006

 3.7 ha subject property approved for exclusion from the ALR.



**Staff Report
Application # F – 36935
Applicant: Christopher Choquette**

DATE RECEIVED: September 8, 2006

DATE PREPARED: September 15, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To exclude the 3.7 ha property from the ALR.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 015-910-971
Lot 6, District Lot 4595, Kootenay District, Plan 1174

Purchase Date (m/d/y):

March 1978

Location of Property:

4702B Highway 3A, east side Kootenay Lake

Size of Property:

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

Present use of the Property:

Residence, barn, shed/garage, craft shop, open storage shed, pasture and forested area

Surrounding Land Uses:

WEST: Residential
SOUTH: Crown Land
EAST: Residential and Crown Land
NORTH: Crown Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/10
The majority of the property is identified as having Mixed Prime and Secondary ratings.

RELEVANT APPLICATIONS:

Application #35178-0

Applicant: Fleming, Bruce & Janet

Decision Date: March 17, 2004

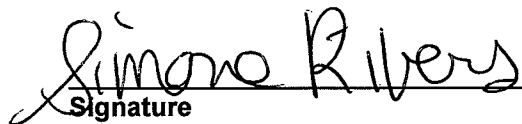
Proposal: To subdivide the portion of the property, Lot 5, north of Anderson Road from the remainder so that the cottage located north of Anderson Road will have its own title.

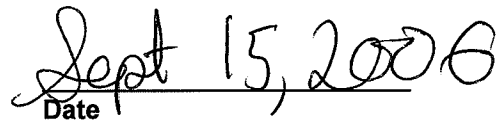
Decision: Allowed as requested as the proposed lot would have no impact on agriculture and the Commission has reviewed the ALR in Gray Creek with an understanding that it would support exclusion and non-farm use in the area.

ATTACHMENTS:

- Orthophoto - (submitted by Central Kootenay Regional District)
- ALC Context Map BCGS 82F.067 - 1:20,000 (created by ALC Staff)

END OF REPORT


Signature


Date