



Agricultural Land Commission
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April 26, 2007

Reply to the attention of Terra Kaethler
ALC File: #F - 36862

Julian Belli-Bivar
6882 Marrop-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 # 131/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

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

Enclosure: Minutes

TK/lv
36862d2.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2007 in Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # F- 36862
Applicant: Julian Belli-Bivar
Proposal: To reconsider Resolution #540/2006 based on information stating that the property has inadequate water availability.
Original Proposal: To exclude or subdivide a 0.4 ha lot from the 1.4 ha property. The application was refused as proposed under Resolution #540/2006.
Legal: PID: 005-283-299
Location: Lot A, District Lot 306, Kootenay District, Plan 7310
6882 Harrop-Procter Road, Nelson

Site Inspection

No site inspection conducted.

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

The Commission considered the applicant's letter and additional information supplied by the applicant regarding the inadequate availability of water on the property. However, the Commission did not consider that the information presented substantiated a change to their original decision.

The Commission confirmed their view that the current size of the subject property is comparable in size to surrounding lots and that introducing a residential lot within this area of small farm properties may have a negative impact on the present and future agricultural activity in the area.

Therefore, the Commission confirmed the original decision under Resolution #540/2006.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

THAT the application be refused.

CARRIED

Resolution # 131/2007



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

DATE RECEIVED: February 16, 2007

DATE PREPARED: March 9, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

**ORIGINAL
PROPOSAL:**

To exclude/subdivide a 0.4 ha lot from the 1.4 ha property. The application was refused, on the grounds that 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.

**Reconsideration
Request:**

To reconsider the proposal on that the property has inadequate water to develop a tree nursery on the property. The applicant has provided a water license. It is not clear if this is enough information to merit reconsideration.


ATTACHMENTS:

- Letter from applicant (12/6/06) Sketch of proposed subdivision (Submitted by the applicant)
- Conditional Water License (Ministry of Environment)
- ALC Minutes (09/27/06)
- ALC Staff Report (09/14/06)

END OF REPORT



Signature



Date