



Agricultural Land Commission
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August 3, 2007

Reply to the attention of Terra Kaethler
ALC File: # L - 36928

William MacDougall
RR1 - Site 5A - Comp 9
Elko, BC V0B 1J0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 370/2007 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 (#P706-213)

Enclosure: Minutes/Sketch Plan

TK/lv/36928d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 13th July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

PRESENT:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
D. Grant Griffin	Commissioner
Terra Kaethler	Staff
Roger Cheetham	Staff
Darrell Smith	Regional Stewardship Agrologist, Ministry of Agriculture and Lands

For Consideration

Application: # L - 36928
Applicant: William MacDougall
Proposal: To subdivide two (2) 0.2 ha lots form the 1 ha property
Legal: PID: 024-588-661
Lot A, District Lot 132, Kootenay District, Plan NEP65223
Location: Site 5A , Comp 9, Elko

Site Inspection

No site inspection was 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

Assessment of Agricultural Suitability

The Commission considered that the subject property has limited agricultural potential due to its small size. The Commission also considered that the subject property is surrounded by residential lots of similar size. The Commission believes that these factors render the subject property unsuitable for agricultural use.

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.

Assessment of Other Factors

The Commission noted the Regional District's 2006 Bayne's Lake Survey results. The Commission did not find the results to be clearly indicative of the direction the community wished to take in terms of development. However, the Commission considered that concentration of residential development in this area would reduce potential for conflicts between agriculture and residential development elsewhere and would encourage the efficient use of land thus reducing the pressure on the ALR for further urban development.

The Commission also noted that it has previously voiced its view that an OCP process and zoning designation in this area would assist in more controlled and less ad hoc development and be supportive of the agricultural land preservation interests of the Commission. The Commission is aware that the Regional District has plans for a land use strategy and looks forward to the results regarding this area.

Conclusions

1. That the land under application is not suitable for agricultural use.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- 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 # 370/2007

Provincial Agricultural Land Commission

Application # 36928

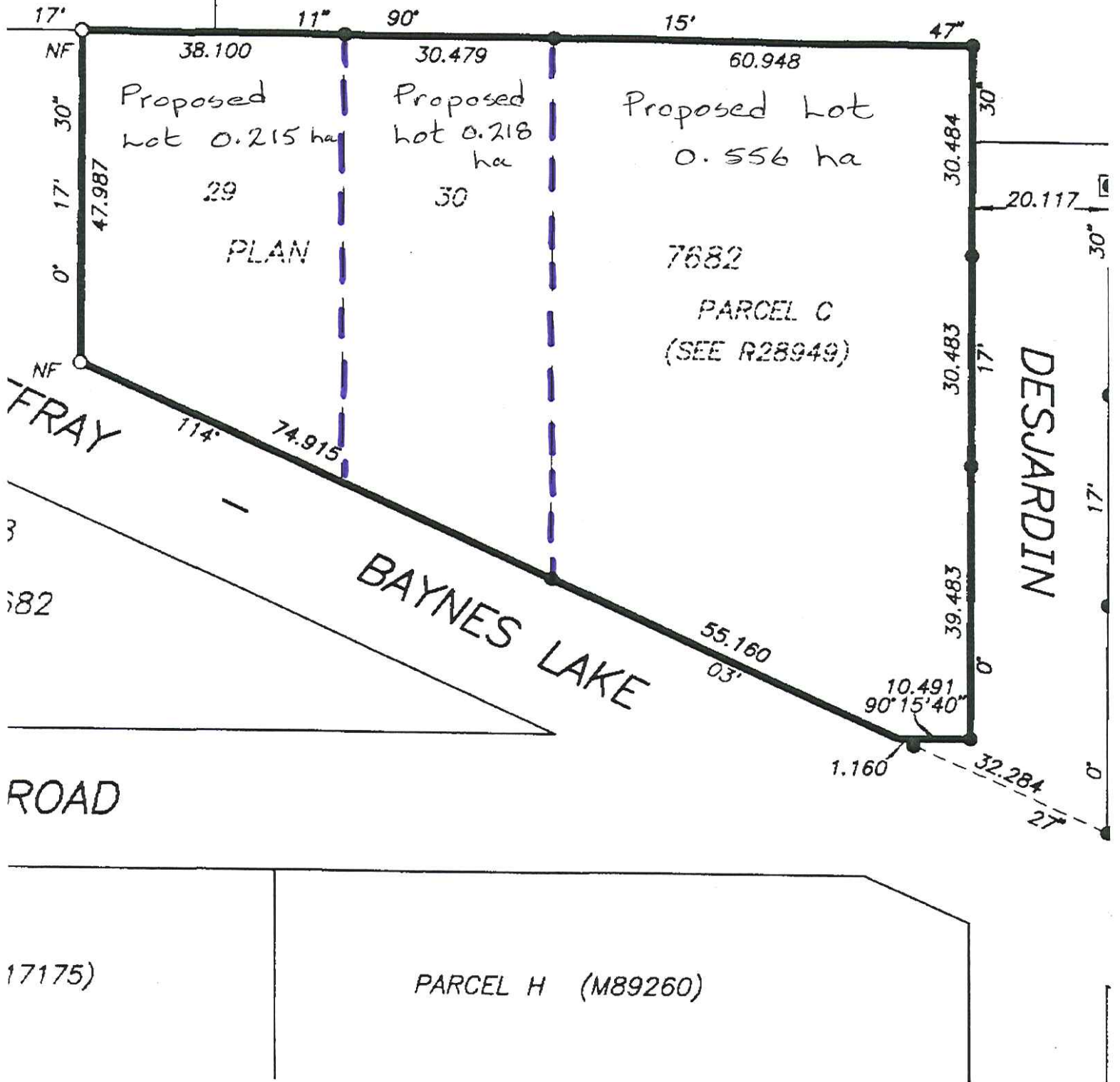
Resolution #370/2007



Subject Property



Approved subdivision of two (2) 0.2 ha lots
(with 0.6 ha remainder)





Staff Report
Application # L – 36928
Applicant: William MacDougall

DATE RECEIVED: January 4, 2007 (original application received September 7, 2006)

DATE PREPARED: June 27, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide two 0.2 ha lots from the 1 ha subject property.

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

BACKGROUND INFORMATION:

The Commission reviewed the application on October 18, 2006 and tabled the decision until such time as information became available to the Commission regarding community and area resident views towards subdivision and residential densities in the Baynes Lake area.

On January 4, 2007, a report on the Baynes Lake Survey Results was submitted. This information is now presented to the Commission for further consideration on this application.

ATTACHMENTS:

- Baynes Lake Survey Results
- December 14, 2006 Resolution #641/2006
- September 7, 2006 Staff Report #36928
- ALR Context Map
- Proposed subdivision (supplied by applicant)

END OF REPORT



Signature



Date