



Agricultural Land Commission
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May 8, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37114

Ed and Pat Thiessen
RR1 - Box 0 - Site 4B
Elko, BC V0B1J0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 156/2007 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 East Kootenay (P-705-214)

Enclosure: Minutes

TK/eg
i/37114d1



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

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

For Consideration

Application: # L- 37114
 Applicant: Ed and Pat Thiessen
 Proposal: Subdivision for a relative or for sale. To subdivide the 2 ha subject property to create a 0.6 ha lot and a 1.4 ha residential remainder.
 Legal: PID: 011-601-086
 Location: Lot 7, District Lot 132, Block 20, Kootenay District, Plan 1181
 Location: Located on Sundown Lane, Baynes Lake, Elko

Site Inspection

A site inspection was conducted on March 22, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Ed Thiessen Applicant

The Commission met with the applicant and walked the property. It was noted that the property was mostly flat and had ample water and was surrounded by lots of similar size.

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 assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The property is surrounded by lots of similar size in a rural residential area with some agricultural activity. The Commission believed that although the size of the property was small, it could support some small-scale agriculture activity. Therefore, the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission considered that subdividing the property into two smaller parcels would decrease the potential for agriculture use of the property. Furthermore, the Commission believes that introducing a small residential lot into this area may negatively impact existing or potential agricultural use of surrounding lands.

Other Factors

The Commission also considered that the application was not supported by the Agricultural Advisory Committee or the Regional Board and planning staff. It was noted that an OCP process and zoning designation is needed for this area.

Conclusions

1. That the land under application is suitable for agricultural use.
2. That the proposal will impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application be refused.

CARRIED

Resolution # 156/2007



Staff Report
Application # L – 37114
Applicant: Ed and Pat Thiessen

DATE RECEIVED: December 08, 2006

DATE PREPARED: March 7, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Subdivision for a relative or for sale. To subdivide the 2 ha subject property to create a 0.6 ha lot and a 1.4 ha residential remainder.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 011-601-086
Lot 7, District Lot 132, Block 20, Kootenay District, Plan 1181

Purchase Date:

July 23, 1996

Location of Property:

Located on Sundown Lane, Baynes Lake, Elko

Size of Property:

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

Present use of the Property:

Residential

Surrounding Land Uses:

WEST: Beef Farm (2.6 ha property)
SOUTH: 2 ha property
EAST: 2 ha property
NORTH: Grain and Forage Farm (also a 2 ha property)

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/3
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: none
Designation: none

Zoning Bylaw and Designation:

Zoning: none
Designation: none
Minimum Lot Size: none

RELEVANT APPLICATIONS:

Application #04995-0

Applicant: Sharpe, L F
Decision Date: May 1, 1978.
Proposal: Exclusion of the property from the ALR on the grounds of poor soil quality.
Decision: Refused. However, the Commission allowed subdivision of the property into four (4), 8 ha lots.

Application #35034-0

Applicant: Cutts, Brian & Maryann
Decision Date: June 10, 2004
Proposal: Subdivision of the 2 ha property into 2 parcels of 1 ha each. Both parcels would have direct access off of Edwards Road.
Decision: Allowed as requested.

Application #36426-0

Applicant: Charlesworth, John & Marlene
Decision Date: March 21, 2006
Proposal: Subdivision of the 2 ha property into two lots of 1.2 ha and 0.8 ha. The applicant proposes to sell the 0.8 ha parcel for residential purposes.
Decision: Allowed as requested.

Application #36928-0

Applicant: MacDougall, William
Decision Date: October 18, 2006
Proposal: Subdivision of two 0.2 ha lots from the 1 ha subject property. This would return the property back to the original plan prior to consolidation.
Decision: Table decision pending receipt of report on public meetings as recommended by APC

Application #37124-0

Applicant: East Kootenay (Baynes Lake Seniors Centre)
Decision Date: This application is also before the Commission for this visit.

Proposal: To exclude the subject property to construct a 24 unit complex for seniors.
Decision: Pending onsite visit.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board:

The Regional Board forwarded the application with a recommendation of non-support.

Advisory Planning Commission for Area B:

Recommended that the application be deferred until there had been a community public meeting and residential survey for Baynes Lake completed regarding all future subdivision applications and acceptable density.

Agricultural Advisory Committee:

Recommended refusal; concerns for impact on existing agricultural operations and precedent for further small lot developments were discussed.

Planning Staff:

The application be refused. Lot size is generally inconsistent with surrounding parcels. Results of questionnaires returned through the public input process indicate that 43% of respondents did not support any level of subdivision for parcels currently 5 acres in size.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- Local Government Board, Staff and Advisory Commissions do not support the application.
- Existing agricultural use in surrounding properties of equivalent size indicate that agriculture on the property is likely possible.
- An onsite visit may reveal a natural boundary or good reason why the property should be subdivided.
- That the application be refused unless the onsite visit reveals a compelling reason to subdivide.

ATTACHMENTS:

1. ALR Boundary Map
2. Aerial Photograph
3. Agricultural Capability Map
4. Sketch of Proposal
5. Sketch of Access
6. Sketch of surrounding property use
7. Minutes of AAC meeting

END OF REPORT



Signature

3/13/07

Date