



Agricultural Land Commission
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May 11, 2007

Reply to the attention of Terra Kaethler
ALC File: L-37118

Owen and Heather Mitchell
Box 69
Brisco, BC V0A1B0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 157/2007 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

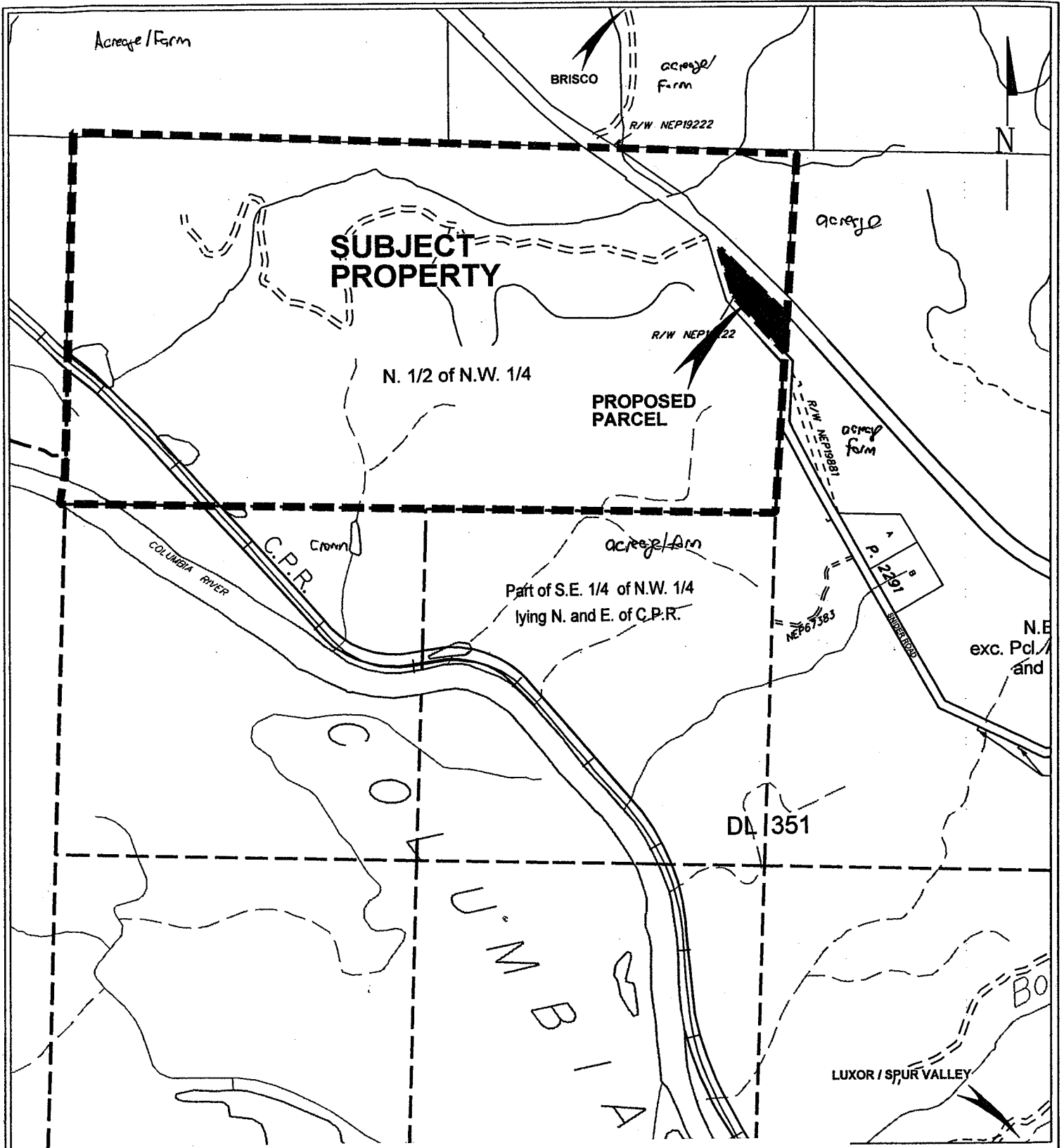
Per:

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-706-615)


Enclosure: Minutes/Sketch Plan

TK/eg37118d1.doc



Provincial Agricultural Land Commission
 Application # 37118
 Resolution #157/2007

 Subject Property

 Approved 1 ha (approx) lot for subdivision



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 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: # L- 37118
Applicant: Owen and Heather Mitchell
Proposal: To subdivide a triangular shaped piece of land that is naturally divided from the rest of the property by Highway 95 and Snider Road
Legal: PID: 007-235-518
The North 1/2 of the NorthWest 1/4 of District Lot 351, Kootenay District, Except Part included in Right of Way Plan 1154
Location: 3431 Snider Road, Brisco

Site Inspection

A site inspection was conducted on March 21, 2007. Those in attendance were:

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

The Commissioners viewed the property but did not meet with the applicants. The Commission noted that the property was on a slope and bound by Hwy 95 and Snider Road. They also noted there was a hydro right-of-way over the middle of the proposed parcel.

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 ratings are on a scale of 1 to 7; (Class 1 – No or only very slight limitations that restrict its use for the production of common agricultural crops to Class 7 – Land in this class has no capability for arable or sustained natural grazing).

The subject property is given agricultural capability ratings of between Class 3 and Class 6 (improved), with limitations of stoniness, topography, low fertility characteristics and salinity. The area of the proposed parcel appears to have a majority of Class 4 lands with stoniness. The Commission also noted that the proposed parcel is on a significant slope.

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 Commission discussed that the hydro right-of-way that runs over the center of the proposed parcel restricts the use of the property. The Regional District has commented that after setbacks from both roads are taken into account, there is approximately 0.4 ha of remaining land.

The Commission discussed that properties with corners or portions separated by roads is not uncommon in the area and that generally, the Commission does not consider division by roads to be a sufficient reason for subdivision of agricultural lands. However, after conducting the site visit and reviewing the application, the Commission concluded that the size and boundaries of the subject property severely limit its agricultural capacity.

The Commission believes these factors render the proposed lot 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. Although the majority of parcels in this area are large lots, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands, given the small size and limitations of the proposed property.

Conclusions

1. That the proposed lot has limited agricultural capability.
2. That the proposed lot is not suitable for agricultural use.
3. That proposed lot will not impact agriculture.

IT WAS

MOVED BY: Commissioner Griffin

SECONDED BY: Commissioner Marshall

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 # 157/2007



Staff Report
Application # L – 37118
Applicant: Owen and Heather Mitchell

DATE RECEIVED: December 11, 2006

DATE PREPARED: March 7, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a triangular shaped piece of land (approximately 1 ha) that is naturally divided from the rest of the property (125 ha) by Highway 95 and Snider Road

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

BACKGROUND INFORMATION:

The applicants state that they would like to subdivide this portion of land as it is not suitable for agricultural use. They state that is already divided from the rest of the property by Highway 95 and Snider road and that the terrain is hilly with brush, trees and vacant areas. They further state that there is no suitable water for agricultural purposes.

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 007-235-518

The North ½ of the North West ¼ of District Lot 351, Kootenay District, Except Part included in Right of Way Plan 1154

Purchase Date:

July 16, 1998

Location of Property:

3431 Snider Road, Brisco

Size of Property:

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

Present use of the Property:

Residential, pasture land, hayfield, Christmas trees and small sawmill

Surrounding Land Uses:

WEST: Pasture, Christmas trees
SOUTH: Residential, pasture land
EAST: Pasture land
NORTH: Residential, pasture land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/16
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

OCP: N/A
Designation: N/A

Zoning Bylaw and Designation:

Upper Columbia Valley Zoning Bylaw No. 900
Designation: A-2 Rural Residential (Country) Zone
Minimum Lot Size: 8.0 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board: The Regional Board forwarded the application with a recommendation of support

STAFF COMMENTS:

The subject property is given agricultural capability ratings of between Class 3 and Class 6. The main limitations appear to be T- topography, F - low fertility characteristics and N- salinity. Highway 95, which cuts through the subject property is a controlled access highway; however, the applicants are applying to subdivide the property as divided by the highway and the smaller Snider Road. The exact size of the proposed parcel is unknown. The Local Government Staff estimate it as being about 1 ha in size whereas Commission staff estimate that it is 1.4 to 1.7 ha in size.

If the Commission were to allow subdivision of this parcel it may lead to a future request to subdivide the 6.1 ha area that lies east of Highway 95. Staff recommends a site visit to determine how isolated the proposed subdivision area is from the subject property and to determine how the Highway impacts the use of the remainder of the property, in particular, the 6 ha area lying east of the highway. Staff further recommend that the Commission assess the impact of the subdivision on the agricultural use of the property, the property appears to be in an area of predominantly large agricultural holdings where the introduction of a small rural residential parcel may not be appropriate.

ATTACHMENTS:

- ALR Subdivision Application Staff Report (submitted by RDEK)
- Sketch of proposed subdivision (submitted by RDEK)
- ALR Context Map - 82K/16 - 1:50,000 (Created by ALC Staff)
- Airphoto - 1:15,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

March 7, 2007
Date