



Agricultural Land Commission
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May 29, 2007

Reply to the attention of Terra Kaethler
ALC File: #F - 37146

R C Power & Associates
2916 - 29th Street
Vernon, BC V1T 5A6

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 218/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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:

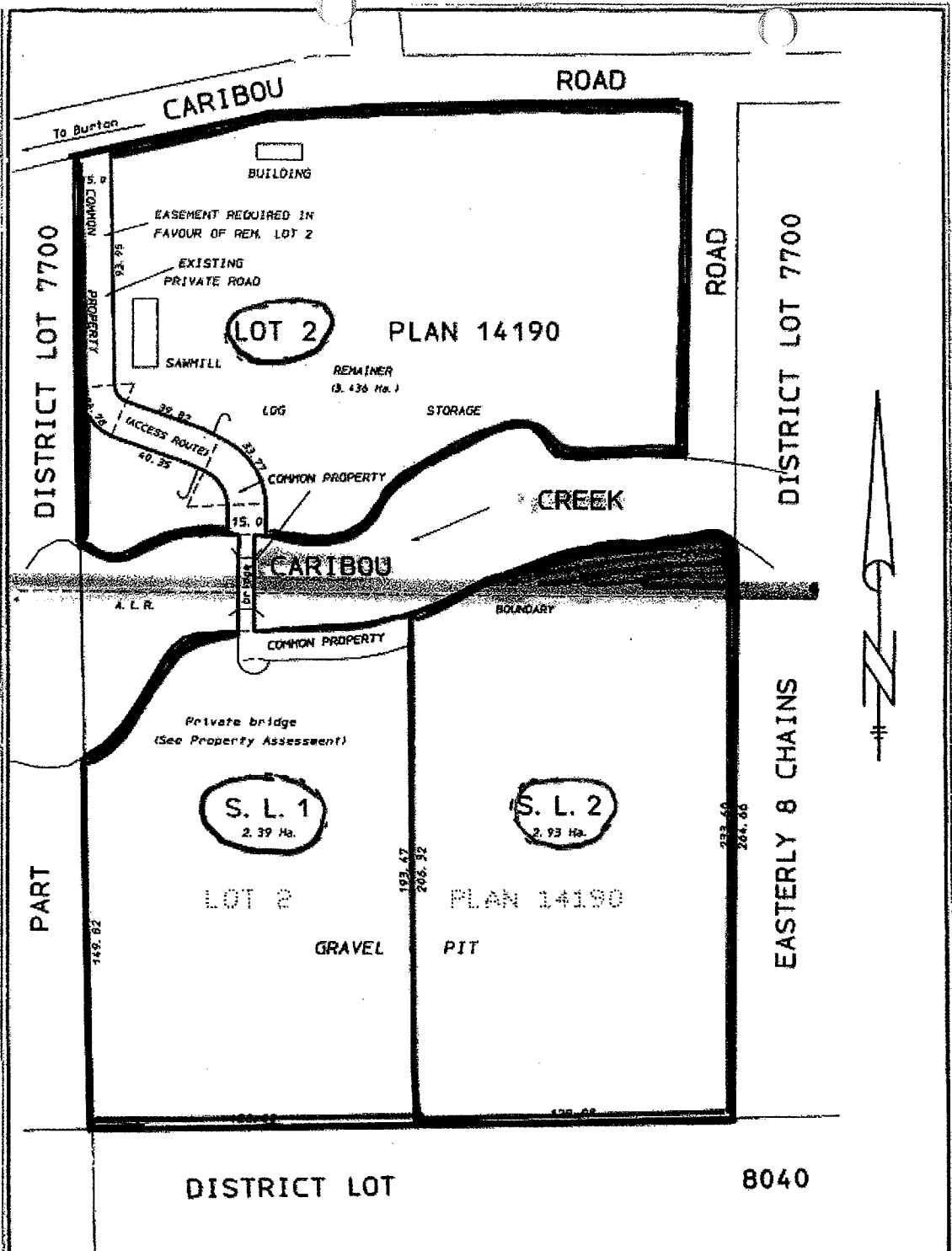
A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0634K-02478-200)

Enclosure: Minutes/Sketch Plan



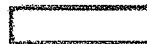
TK/lv
37146d1.



AREA COMM

R. C. POV
 2916 29TH ST
 PHONE
 FAX :

Provincial Agricultural Land Commission
Application # 37146
Resolution #218/2007

-  Subject Property
-  Lots approved for subdivision
-  ALR Boundary

VISION OF :
 .. 7700;
 CARIBOU
 90, K. D.
 RCP
 728-2. PRE



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 3, 2007 in Nelson, B.C.

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

For Consideration

Application: # F- 37146
Applicant: Timothy Miller
Agent: R C Power & Associates
Proposal: To subdivide the property into three (3) lots of approximately 3 ha each. The ALR boundary cross one of the proposed lots.
Legal: PID: 010-107-703
 Lot 2, District Lot 7700, Kootenay District, Plan 14190
Location: Burton, BC

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

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the majority of the proposed subdivision is along the ALR boundary, which does not require an application under Section 10 of the ALC regulations. The area of exception is estimated to be 0.2 ha of ALR along the southern border of the Caribou Creek, which is proposed to be part of S.L.2. Therefore, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

That the proposal 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 # 218/2007



Staff Report
Application # F – 37146
Applicant: Timothy Miller

Agent: R C Power & Associates

DATE RECEIVED: December 29, 2006

DATE PREPARED: January 19, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: To subdivide the property into three (3) lots- 2.4 ha, 2.9 ha and 3.4 ha. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 010-107-703
Lot 2, District Lot 7700, Kootenay District, Plan 14190

Purchase Date:

May 1992

Location of Property:

Burton, BC

Size of Property:

8.9 ha (Approximately 3.5 ha of the property are in the ALR).

Present use of the Property:

Sawmill and log storage on the land north of the creek, gravel extraction south of the creek. The majority of the land south of the creek represents the non-ALR component of the property.

Surrounding Land Uses:

NORTH: Caribou Road, forest
EAST: Heavily treed; single family residence
SOUTH: Heavily treed; single family residence
WEST: Heavily treed, single family residence

Agricultural Capability:

Data Source: Agricultural Capability Map # 82F/13
The ALR component of the property is identified as having Prime agricultural capability ratings.

Official Community Plan and Designation:

OCP: Bylaw No. 1248
Designation: RLR Area "K"

Zoning Bylaw and Designation:

Zoning: Bylaw No. 1248
Designation: AG - Agriculture
Minimum Lot Size: 8 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments or recommendations

STAFF COMMENTS:

It is recommended that the Commission consider the following:

- The land within the ALR south of Caribou Creek is estimated to be 0.2 ha.
- During the site visit the Commission can determine whether it is necessary to sever the ALR land south of Caribou Creek from the rest of the ALR lands north of the creek.
- The only foreseeable negative impact on the ALR lands is the access road to the 2 proposed lots south of the river.

ATTACHMENTS:

1. ALR Constituent Map
2. Aerial Photograph
3. Sketch of Proposed Subdivision

END OF REPORT



Signature



Date