



Agricultural Land Commission
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May 29, 2007

Reply to the attention of Terra Kaethler
ALC File: #Q - 37224

Randy and Lynne McKillican
PO Box 29, 3601 Highway 33
Westbridge, BC V0H 2B0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 225/2007 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:

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

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (#E-912s-04218-000)

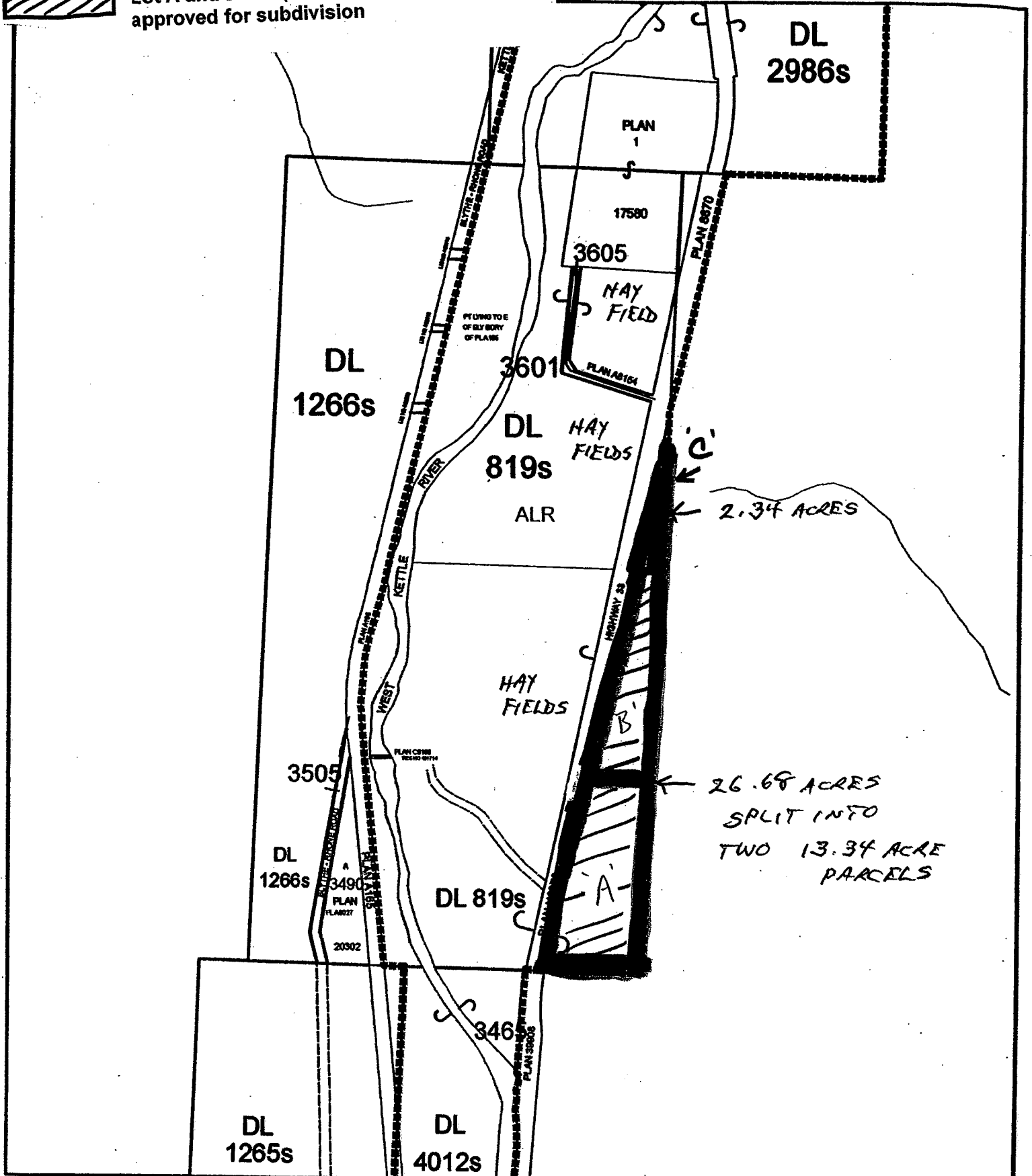
Enclosure: Minutes/Sketch Plan

TK/lv
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Lot A and Lot B (5.5 ha) and Lot C (1 ha)
approved for subdivision





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: # Q- 37224
Applicant: Randy and Lynne McKillican
Proposal: To subdivide 2 parcels to create a total of 5 parcels. To subdivide one (1) lot of 1 ha on the east side of Highway 33 from the northern property, leaving a 21 ha remainder on the west side of Highway 33. Similarly, to subdivide two parcels of 5.5 ha on the east side of Hwy 33 from the southern property, leaving a 27 ha remainder.
Legal: 1. PID: 014-873-893
 District Lot 819s, Fractional South 1/2, Similkameen Division of Yale District, EXCEPT Plan H8870
 2. PID: 014-873-575
 District Lot 819s, Fractional North 1/2, Similkameen Division of Yale District, EXCEPT Plan 17580 and H8870
Location: Located at 3601 Highway 33, Westbridge

Site Inspection

A site inspection was conducted on May 1, 2007. Those in attendance were:

- Randy McKillican Applicant
- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff

The Commission met with the applicant on the property and discussed the proposal. The Commission viewed the area to be subdivided and noted it was on a steep forested hillside which was separated from the majority of the subject properties by Highway 33.

The applicant confirmed that the staff report dated February 7, 2007 was received. The following errors were identified:

- The proposal is to create three lots on the eastern side of Highway 33, approximately one (1) lot of 1 ha, and two (2) lots of 5.5 ha each as opposed to the reported one of four (4) ha and two(2) of 5 ha.

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 on a scale of 1 to 7. The agricultural capability of the portion of the properties to be subdivided is identified as Class 6 (70%) and Class 7 (30 %) with limitations of topography and bedrock outcroppings.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The Commission also considered that the area east of Highway 33 was relatively small and isolated from other ALR lands.

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 believes that the division of the property by Highway 33 renders the the area east of Highway 33 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. Given the low agricultural capability of the subject properties, and isolated location, the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

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

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Griffin

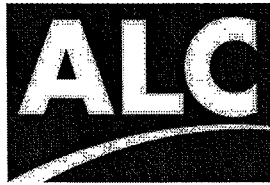
THAT the application be approved and that the approval is subject to the following conditions:

- 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 # 225/2007



Staff Report
Application # Q – 37224
Applicant: Randy and Lynne McKillican

DATE RECEIVED: February 07, 2007

DATE PREPARED: April 23, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the northerly property along Highway 33, to create one (1) lot of 1 ha on the east side of Highway 33, and a remainder of approximately 20 ha on the west side. Similarly, the applicant wishes to subdivide the southerly property along Highway 33, so that there is an approximate 26 ha remainder on the west of Highway 33. The total of 14 ha on the east side of Highway 33 would then be subdivided into three lots: two (2) equal parcels of 5 ha and one (1) of 4 ha.

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

BACKGROUND INFORMATION:

Local Government:

Regional District of Kootenay-Boundary

Legal Description of Property:

1. PID: 014-873-893
District Lot 819s, Fractional South 1/2, Similkameen Division of Yale District, EXCEPT Plan H8870
2. PID: 014-873-575
District Lot 819s, Fractional North 1/2, Similkameen Division of Yale District, EXCEPT Plan 17580 and H8870

Purchase Date:

06/01/2005

Location of Property:

3601 Highway 33, Westbridge

BACKGROUND INFORMATION cont.:

Size of Property:

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

Present use of the Property:

No buildings. Used as range land and previous owner logged parcel over a time period of 20 years. Some grass for grazing.

Surrounding Land Uses:

WEST: Hay fields west of Highway 33, Kettle River
SOUTH: Residence
EAST: Crown Land
NORTH: Closed sawmill

Agricultural Capability:

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

Official Community Plan and Designation: N/A

Zoning Bylaw and Designation: N/A

RELEVANT APPLICATIONS:

Application #28833-0 (Directly North of Subject Property)

Applicant: NOUSIAINEN, EERO
Decision Date: May, 1994
Proposal: To subdivide a 32 ha lot into 3 lots.
Decision: Refused on the grounds that subdivision would reduce agricultural capability of the property, and increase speculation in the area. However, the Commission was prepared to allow subdivision along the highway, subject to a consolidation of parcels, so that no new lots would be created. Reconsidered in 10/94 to subdivide into 2 lots. Also refused.

Application #26170-0

Applicant: PIKE, Thomas & Joan
Decision Date: December 1992
Proposal: To subdivide 1.8 ha lot off of a 24.5 ha property.
Decision: Refused on the grounds of impact to agriculture. However the Commission would consider the application if a 5.5 ha portion of the property was included into the ALR.

Application #35896-0

Applicant: Mortgage, Nicola
Decision Date: May 11, 2005
Proposal: The proposed subdivision would divide the 11.6 ha property into four parcels of 2.0 ha, 4.0 ha, 2.8 ha and 2.8 ha for residential use. In the interest of agriculture, the applicant offered to make a donation of \$1,000 per parcel to the agricultural program at the local university or alternatively to spend \$8,000 on greenhouses for the property.
Decision: Allow as requested.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

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

Advisory Planning Commission: Supported the application.

Agricultural Advisory Committee: N/A

Planning and Development Committee: That the application be supported.

Local Government Staff: That the application be forwarded.

ATTACHMENTS:

- Sketch of proposed subdivision
- ALC Base Map #82E/3

END OF REPORT



Signature



Date