



Agricultural Land Commission
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May 24, 2007

Reply to the attention of Terra Kaethler
ALC File: # Q - 37265

Craig Boruck
PO Box 232
Christina Lake, BC V0H 1E0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 224/2007 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

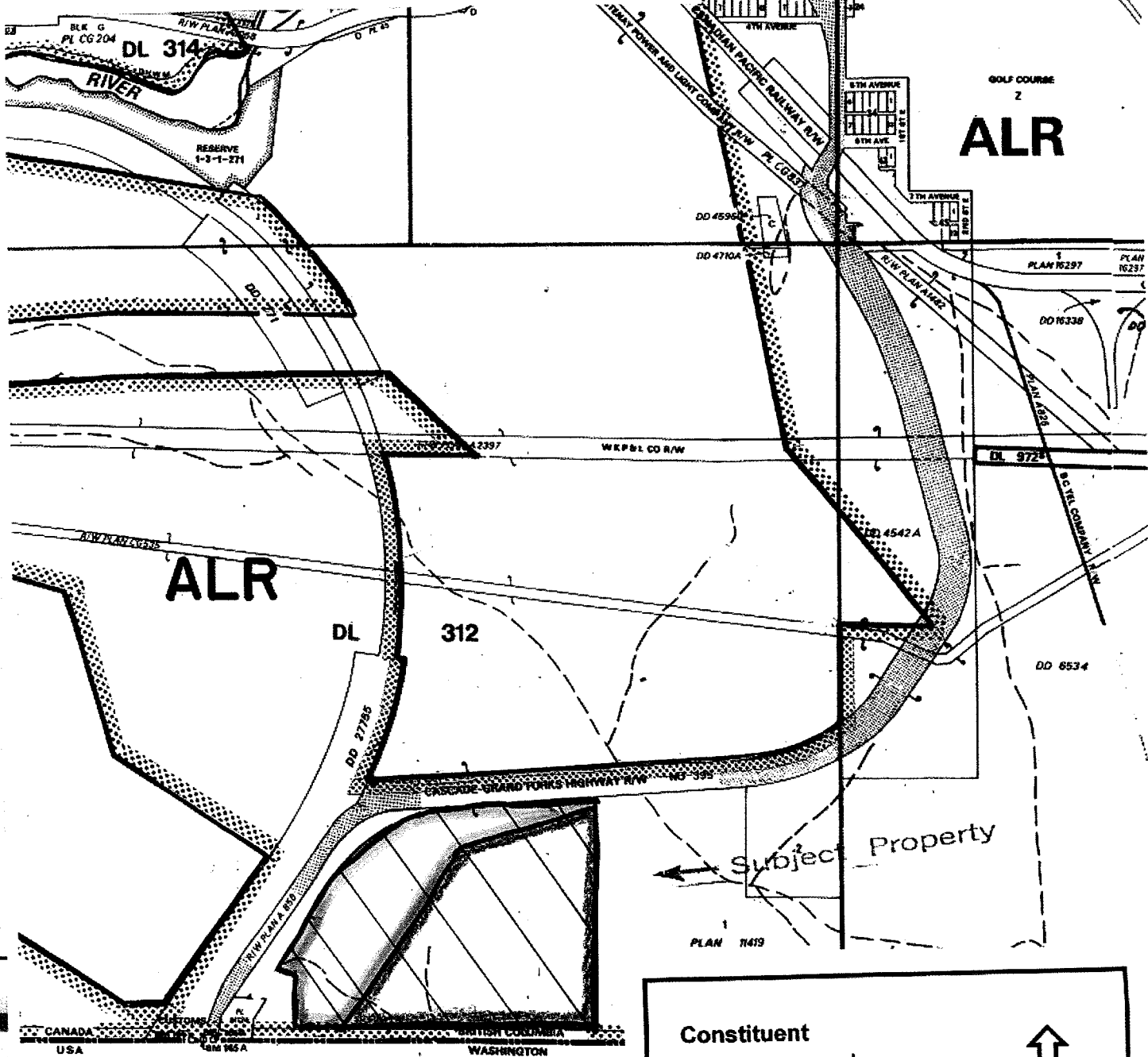
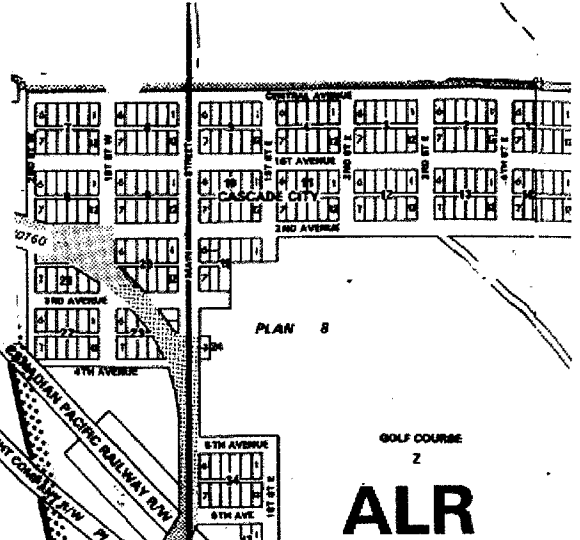
cc: Regional District of Kootenay-Boundary (#C-312-02632-270)

Enclosure: Minutes/Sketch Plan

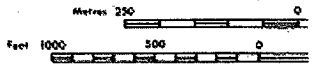
TK/lv
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Provincial Agricultural Land Commission
Application # 37265
Resolution #224/2007

-  Subject Property
-  Lot A (Approx. 10 ha) approved for subdivision to include majority of bottom land
-  Lot B (Approx. 12 ha) approved for subdivision




CANADA BRITISH COLUMBIA
 USA WASHINGTON



Constituent _____

Map # 1

Scale: 1:10,000





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- 37265
Applicant: Craig Boruck
Proposal: To subdivide the 22 ha subject property to create one 10 ha lot and one 12 ha lot.
Legal: PID: 004-128-842
 Lot 34, District Lot 312, Similkameen Division of Yale District, Plan 29935
Location: 700 Highway 395, Christina Lake

Site Inspection

A site inspection was conducted on May 2, 2007. Those in attendance were:

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

The Commission met the applicant on the upper bench of the property and discussed the proposal. The Commission noted the steep ravine leading down to a flat bottom land. The applicant mentioned that the bottom land had areas of excess water.

The applicant confirmed that the staff report dated March 5, 2007 was received and no errors were identified.

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 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 improved agricultural capability ratings of the upper benches and the bottom land of the subject property are Class 3 with limitations of moisture deficiency. The majority of the ravine area of the subject property is rated as Class 6 with limitations of topography and bedrock.

Upon the site visit, the Commission determined that the topographical challenges of the property limit its agricultural capability as a whole. However, the bottom land appeared to have significant capability for agriculture. Therefore the Commission discussed that should a subdivision be approved, the bottom land should be kept together on one parcel.

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.

Conclusions

1. That a portion of the land under application has some agricultural capability.
2. That the proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy
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 with the exception that the majority of the bottom land be kept on one parcel.
- 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 # 224/2007



Staff Report
Application # Q – 37265
Applicant: Craig Boruck

DATE RECEIVED: March 05, 2007

DATE PREPARED: April 23, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 22 ha subject property to create one 10 ha lot and one 12 ha lot.

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:

PID: 004-128-842

Lot 34, District Lot 312, Similkameen Division of Yale District, Plan 29935

Purchase Date:

09/01/2006

Location of Property:

700 Highway 395, Christina Lake

Size of Property:

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

Present use of the Property:

Vacant until September of 2006. Applicant has now placed a fifth wheel and power has been installed. The lower portion of the property is vacant and accessible only by 4 wheel drive.

Surrounding Land Uses:

WEST: Canada Customs (Highway)
SOUTH: Border (USA)
EAST: Crown Land
NORTH: Industrial Land

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/1
The majority of the property is identified as having Prime Dominant (Class 3) ratings, with moisture as a limiting factor.

Official Community Plan and Designation:

Regional District of Kootenay Boundary Area "C" OCP Bylaw No. 1250 (2004)
Designation: Natural Resource

Zoning Bylaw and Designation:

Regional District of Kootenay Boundary Area "C" Zoning Bylaw No 900 (1996)
Designation: Zoned Rural 1 (RUR1)
Minimum Lot Size: 10 ha

PREVIOUS APPLICATIONS:

Application #19639-0

Applicant: Regional District of Kootenay Boundary
Decision Date: November 18, 1985
Proposal: To assume lease of Crown property as an extension of the Regional District refuse site.
Decision: Allow, subject to rehabilitation when finished.

RELEVANT APPLICATIONS:

Application #34126-0

Applicant: Christina Lake Golf and Country Club
Decision Date: January 16, 2002
Proposal: To subdivide a 1 ha lot off the northeast corner of the subject property that is separated by an access road from the rest of the property. The adjacent par 3 golf course is interested in purchasing the 1 ha property. This property currently has an application for a boundary adjustment before the Commission (**#37226**)
Decision: Allow as requested (Resolution #35/2002). Upon a reconsideration request of April, 2002, the construction of a new clubhouse was allowed. Upon a reconsideration request of October 2002, the Commission removed the consolidation condition from the subdivision approved by Resolution #35/2002.

Application #31176-0

Applicant: Forester, Ken & Marilyn
Decision Date: March 25, 1997
Proposal: To subdivide a 2.2 ha lot into two panhandle lots of equal size.
Decision: The Commission allowed the subdivision into two 1 ha lots because it had previously given assent to subdivide this area into small rural residential parcels.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Kootenay Boundary Regional District Board: The Regional Board forwarded the application with a recommendation of support because of the very limited agricultural value of the subject property.

Local Government Staff: Recommended that the application not be supported, subject to the comments from the APC.

Advisory Planning Commission: No objections with the application

Agricultural Advisory Committee: N/A

Planning and Development Committee: Recommend to the RDKB Board that the OCP and Zoning bylaw be amended from 'Natural Resource' to 'Rural 1', and that the application be supported because of the very limited agricultural value of the subject property.

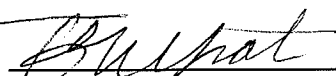
STAFF COMMENTS:

The application did not include the rationale for the subdivision. Although there appears to be a steep slope on the property, the proposed subdivision does not appear to follow the ridge. The site visit may help to clarify the proposal and the impact on the agricultural use of the property or surrounding lands.

ATTACHMENTS:

- Constituent Map #1
- Aerial Photograph
- Planning and Development Committee Staff Report (2 pages)
- Base Map #82E/1
- Sketch of proposed plan

END OF REPORT



Signature

4/23/07

Date