



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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www.alc.gov.bc.ca

June 1, 2007

Reply to the attention of Terra Kaethler  
ALC File: # Q - 37266

Hoefsloot Land Surveying Ltd.  
P.O. Box 2740  
Grand Forks, BC V0H 1H0

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 222/2007 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:

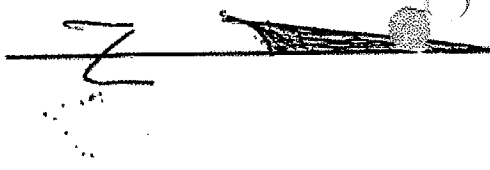
A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (#E-2983s-06996-000)

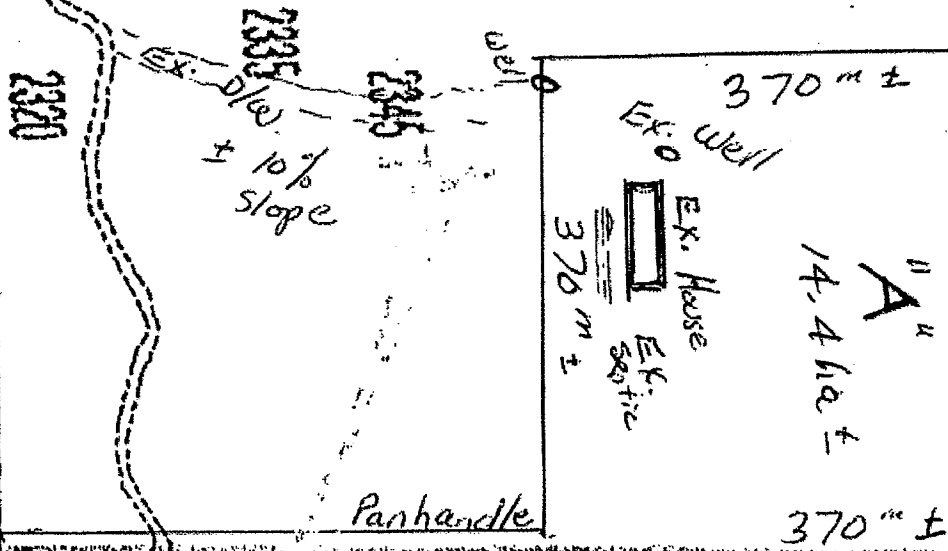
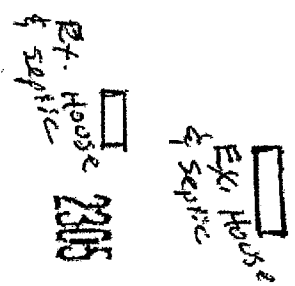
Enclosure: Minutes/Sketch Plan

TK/lv  
37266.d1



DL 2983S

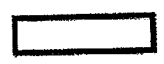
Rem.  
D.L. 2983S



PROPOSED SUB.  
of PART OF  
D.L. 2983S  
S.D.Y.D.

Date: / / SC

Provincial Agricultural Land Commission  
Application # 37266  
Resolution #222/2007



Subject Property

Approved 14.4 ha lot for subdivision

Possible  
Access Via  
Crown Land



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

### For Consideration

Application: # Q - 37266  
Applicant: Anne Kapiak  
Agent: Hoefsloot Land Surveying Ltd.  
Proposal: To subdivide the 65 ha subject property which is owned by seven people to create one (1) 14.4 ha lot for the applicant. The portion of the proposed subdivision within the ALR is approximately 0.5 ha.  
Legal: PID: 015-207-099 District Lot 2983s, South 1/2, Similkameen Division of Yale District  
Location: Nicholson Creek Road, Rock Creek, Area "E"

### 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 ALR portion of the proposed subdivision is approximated to be 0.5 ha. The Commission considered that the proposal did not affect its interests to preserve agricultural land. The Commission does not believe that 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 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
- a right of way for access is provided to the remnant properties
- the communal well be separated and included in the remnant property
- fencing along the remnant property be installed
- 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 # 222/2007**



**Staff Report**  
**Application # Q – 37266**  
**Applicant: Anne Kapiak**  
**Agent: Hoefsloot Land Surveying Ltd.**

**DATE RECEIVED:** March 05, 2007

**DATE PREPARED:** April 24, 2007

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Terra Kaethler, Land Use Planner

**PROPOSAL:** To subdivide a one (1) 14.4 ha from the 65 ha subject property which is owned by seven people. The remaining 50.6 ha will remain the same. The portion of the proposed subdivision within the ALR is approximately 0.5 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:**

PID: 015-207-099

District Lot 2983s, South 1/2, Similkameen Division of Yale District

**Purchase Date:**

August 2006

**Location of Property:**

Nicholson Creek Road, Rock Creek, Area "E"

**Size of Property:**

65.0 ha (approximately 10 ha is within the ALR).

**Present use of the Property:**

Residential, several houses

**BACKGROUND INFORMATION cont:**

**Surrounding Land Uses:**

**WEST:** Vacant  
**SOUTH:** Vacant  
**EAST:** Vacant  
**NORTH:** Vacant

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82E/2  
The majority of the property is identified as having Secondary ratings.

**Official Community Plan and Designation:** N/A

**Zoning Bylaw and Designation:** N/A

**PREVIOUS APPLICATIONS:**

**Application #19476-0**  
**Applicant:** Kroupa, Gene  
**Decision Date:** 1985  
**Proposal:** No information currently available  
**Decision:**

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Regional Board:** That the application be forwarded.

**Advisory Planning Commission:** had no objections.

**Local Government Staff:** That the application be forwarded.

**Planning and Development Committee:** That the application be forwarded.

**STAFF COMMENTS:**

Staff recommend that the Commission consider the following:

- Only a small portion of the proposed subdivision is in the ALR (approximately 0.5 ha). The applicant could adjust the boundary of the subdivision to the boundary of the ALR, although the location of the existing house and well may be in the ALR portion.
- Owners of the current property have given permission to the applicant to subdivide her portion. They have asked that the existing driveway will become a right of way to allow access to dwellings on the remnant properties, that the communal well be included in the remnant property, and that fencing along the remnant property border be installed.

**ATTACHMENTS:**

- Base Map 82E/2
- Base Map 82 E/2 showing area of proposed subdivision
- Sketch of proposed subdivision

**END OF REPORT**

Signature

*Gene Kroupa*

Date

*4/24/07*