



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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May 29, 2007

Reply to the attention of Terra Kaethler  
ALC File: F-37294

Corey Thurber  
PO Box 1412  
Kaslo, BC V0G 1M0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 221/2007 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 a white background. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

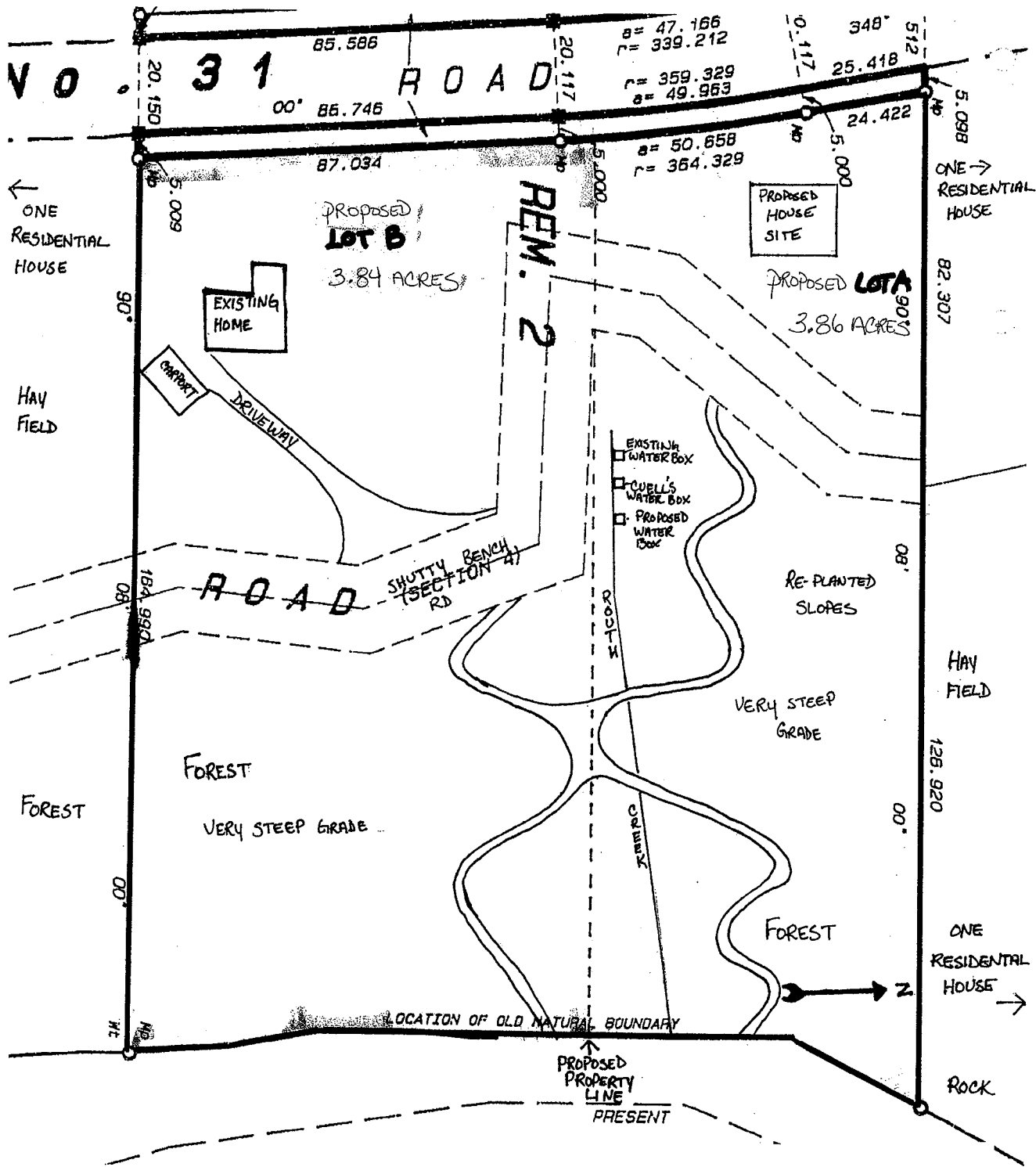
Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0704D-03103-050)

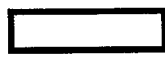
Enclosure: Minutes/Sketch Plan

TK/lv  
37294d1.

PROPOSAL



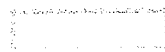
Provincial Agricultural Land Commission  
 Application # 37294  
 Resolution #221/2007



Subject Property



1.6 ha Lot B approved for subdivision



1.6 ha Lot A 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.

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

### For Consideration

Application: # F- 37294  
 Applicant: Raymond Neustaedter  
 Proposal: To subdivide the subject property into two (2) lots, of 1.6 ha each.  
 Legal: PID: 016-023-234  
 Lot 2, District Lot 819, Kootenay District, Plan 832, EXCEPT Parts included in Plans R142 and NEP23329  
 Location: Highway 31, Shutty Bench Road

### Site Inspection

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

- Monika Marshall            Chair, Kootenay Panel
- Carmen Purdy              Commissioner
- D. Grant Griffin            Commissioner
- Terra Kaethler              Staff
- Corey Thurber              Agent/Applicant
- Ray Neustaedter            Applicant

The Commission met with the agent and applicant and discussed the proposal. The Commission noted that the applicant and agent bought the property together and both live on the property. The proposed lot would allow separate titles. The Commission walked a portion of the property and noted the area proposed for subdivision. The Commission noted that the property is located on a steep ravine.

The applicant confirmed that the staff report dated March 16, 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 1 to 7. The agricultural capability of the soil of the ALR portion of the properties is identified as 80% Class 3T (improved) and 20% Class 7TC.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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

#### Subclasses

T topography  
C adverse climate

Upon the site visit, the Commission noted that the topographical challenges of the property severely limit its agricultural capability.

### **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 the Commission does not believe the proposal would impact existing or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the land under application has limited agricultural capability.
2. That the proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Purdy

THAT the application to subdivide the subject property into two (2) lots, of 1.6 ha each 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 # 221/2007**



**Staff Report**  
**Application # F – 37294**  
**Applicant: Raymond Neustaedter**

**DATE RECEIVED:** March 16, 2007

**DATE PREPARED:** April 20, 2007

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

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To subdivide the subject property into two (2) lots, of 1.6 ha each. 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: 016-023-234

Lot 2, District Lot 819, Kootenay District, Plan 832, Except parts included in Plans R142 and NEP23329

**Purchase Date:**

July 2006

**Location of Property:**

Highway 31, Shutty Bench Road

**Size of Property:**

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

**Present use of the Property:**

Residence, Pole Shed

**Surrounding Land Uses:**

**WEST:** Highway 31

**SOUTH:** Residence

**EAST:** Kootenay Lake

**NORTH:** Residence

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/15  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**Official Community Plan and Designation:**

OCP: None

**Zoning Bylaw and Designation:**

Zoning: None

**RELEVANT APPLICATIONS:**

**Application #35602-0**

**Applicant:** Dallyn, Stewart & Margaret  
**Decision Date:** October 29, 2004  
**Proposal:** To build a cabin, as a second permanent dwelling, for a hired farm worker.  
**Decision:** Allowed.

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**Application #36832-0**

**Applicant:** Nichol, Eleanor  
**Decision Date:** September 28, 2006  
**Proposal:** To subdivide the 9.6 ha property as divided by Highway 31.  
**Decision:** Allowed subdivision along road as requested - no negative impact on agriculture

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**Application #37165-0**

**Applicant:** Taylor's Wild World Ltd  
**Decision Date:** n/a  
**Proposal:** To subdivide the subject property into three (3) lots along the two (2) roads.  
**Decision:** This application is also being visited on this trip.

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**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations.

**STAFF COMMENTS:**

It is recommended that the Commission consider the following:

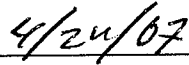
- A site visit will help to determine whether the proposed subdivision will have an adverse impact on agriculture

**ATTACHMENTS:**

1. ALC Context Map
2. Agricultural Capability Map
3. Aerial Photograph
4. Map of proposal
5. Letter from applicant describing proposal

**END OF REPORT**

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date