



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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Fax: 604-660-7033  
www.alc.gov.bc.ca

August 10, 2007

Reply to the attention of Terra Kaethler  
ALC File: # F-37327

Margaret Frith and Beverly Titus  
7064 Highway 6  
Winlaw, BC V0G 2J0

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 375/2007 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 Central Kootenay (A0705Hs-20316-060)

Enclosure: Minutes/Sketch Plan

TK/lv/37327d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on 13<sup>th</sup> July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

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

### For Consideration

Application: # F- 37327  
Applicant: Margaret Frith, Beverly Titus  
Proposal: To subdivide the 7.2 ha subject property into two (2) lots.  
Legal: PID: 015-083-748  
Lot 2, District Lot 383, Kootenay District, Plan 2887  
Location: 7064 Highway 6, Winlaw

### Site Inspection

A site inspection was conducted on July 10, 2007. Those in attendance were:

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

The Commission met with the applicant and walked the property to the area proposed for subdivision. The Commission noted that the property was relatively flat and had high agricultural capability, with exception to a wooded, steep section in the southwest corner of the property.

The applicant confirmed that the staff report dated June 29, 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 interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The majority of the subject property is identified as being improvable to Class 2 and 3 for agricultural capability with limitations of soil moisture deficiency, topography and a combination of soil factors.

The Commission considered that the majority of the property had high agricultural capability and that the proposal would divide the area with the highest capability. The Commission considered that the proposed subdivision of the property would reduce the agricultural potential of the parcel as a whole.

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land 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. The Commission believes the proposal would impact existing or potential agricultural use of the subject property and surrounding lands.

In the Commission's view, the parcel has more agricultural value as a single unit than as two separate parcels. In general, the reduction of parcel size reduces the available options for agricultural use. The Commission believed that the proposed subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. The Commission also believed that the parcelization of properties within agricultural areas may impact existing or potential agricultural use of surrounding lands.

Therefore, the Commission was not prepared to support the subdivision as proposed.

However, the Commission considered that a subdivision of a smaller lot would be acceptable, on the condition that the subdivision be limited to a maximum of 1.0 ha in size, and be situated in the southeast corner of the property; an area of lesser agricultural capability. The Commission determined that this alternative subdivision would not impact the agricultural potential of the remainder property, as it would keep the field intact.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.

3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Griffin

**SECONDED BY:** Commissioner Marshal

THAT the application be refused;

AND THAT an alternative proposal be approved subject to the following conditions:

- The subdivision of one lot, limited to a maximum of 1.0 ha in size
- the subdivision be located in the southeast corner of the property and be in substantial compliance with the attached plan
- 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 # 375/2007**

# Provincial Agricultural Land Commission

Application # 37327

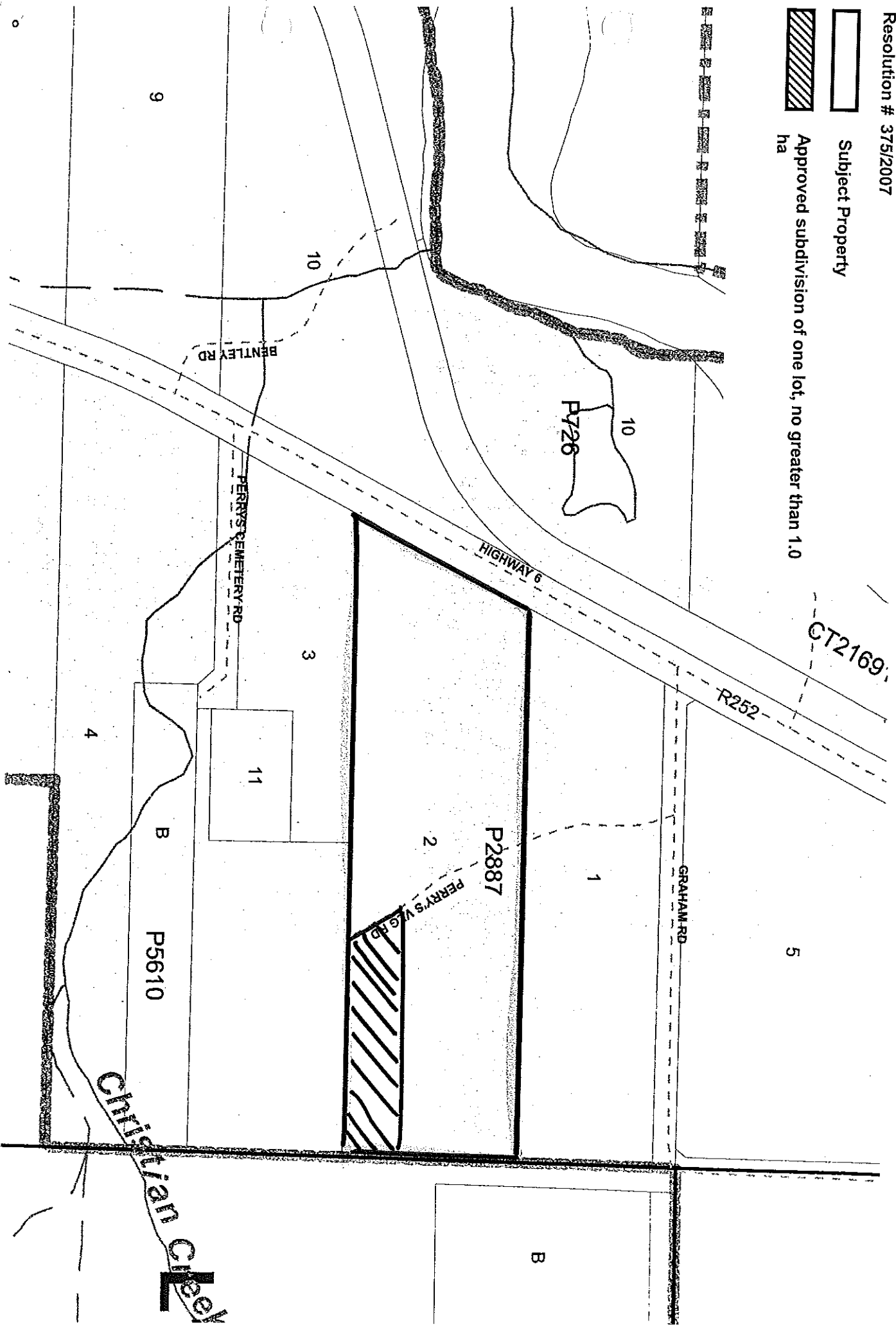
Resolution # 375/2007



Subject Property



Approved subdivision of one lot, no greater than 1.0 ha





**Staff Report**  
**Application # F – 37327**  
**Applicant: Margaret Frith, Beverly Titus**

**DATE RECEIVED:** March 30, 2007

**DATE PREPARED:** June 21, 2007

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

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

**PROPOSAL:** To subdivide the 7.2 ha subject property into two (2) lots of approximately 2 ha and 5.2 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: 015-083-748, Lot 2, District Lot 383, Kootenay District, Plan 2887

**Purchase Date:**

2005-10-01

**Location of Property:**

7064 Highway 6, Winlaw

**Size of Property:**

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

**Present use of the Property:**

Residence, three seasonally occupied cabins for volunteers, market garden, chicken coops, duck pond and shelter, hay field, and greenhouse

**BACKGROUND INFORMATION (Cont.):**

**Surrounding Land Uses:**

**WEST:** Highway 6, rails-to-trails corridor, riparian area beside Slocan River  
**SOUTH:** Forest, horse pasture, residence, fallow field and cemetery  
**EAST:** Forested lots with residence  
**NORTH:** Doukhobour Community Land, mostly overgrown meadow and orchard

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82F/12  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

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

**Zoning Bylaw and Designation:** N/A  
Minimum Lot Size: N/A

**PREVIOUS APPLICATIONS:**

**Application #75-0227-0**

**Applicant:** Shlakoff, Polly  
**Decision Date:** April 23, 1975  
**Proposal:** To subdivide the subject property into 3 parcels  
**Decision:** Refused. An alternate proposal to subdivide 0.8 ha lot was reconsidered and refused, April 13, 1978. On November 17 and November 24, 1978 the Commission reconsidered and approved the request of a lifetime lease for the applicant.

**RELEVANT APPLICATIONS:**

**Application #34379-0 (To west, across Hwy 6)**

**Applicant:** Miller, Linda  
**Decision Date:** June 28, 2002  
**Proposal:** To exclude the 5.1 ha subject parcel for proposed residential use including a double wide modular home, a single wide trailer, and a log home. Additionally, the applicant proposes development of retirement living spaces for seniors (unspecified density).  
**Decision:** Refuse exclusion - property has good agricultural capability.  
**Reconsideration:** February 05, 2003: To subdivide the 5.1 ha property along Bentley Road to create two lots. Refuse as proposed.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**

Staff recommend that the Commission consider the following:

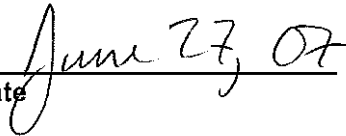
- The area of the proposed subdivision appears to be identified as having improvable soil capability ratings of 30% Class 2, 50% Class 3 and 20% Class 4 with limitations of topography and moisture deficiency. A site visit may help to determine the impact of the proposal on the agricultural capability of the property.

**ATTACHMENTS:**

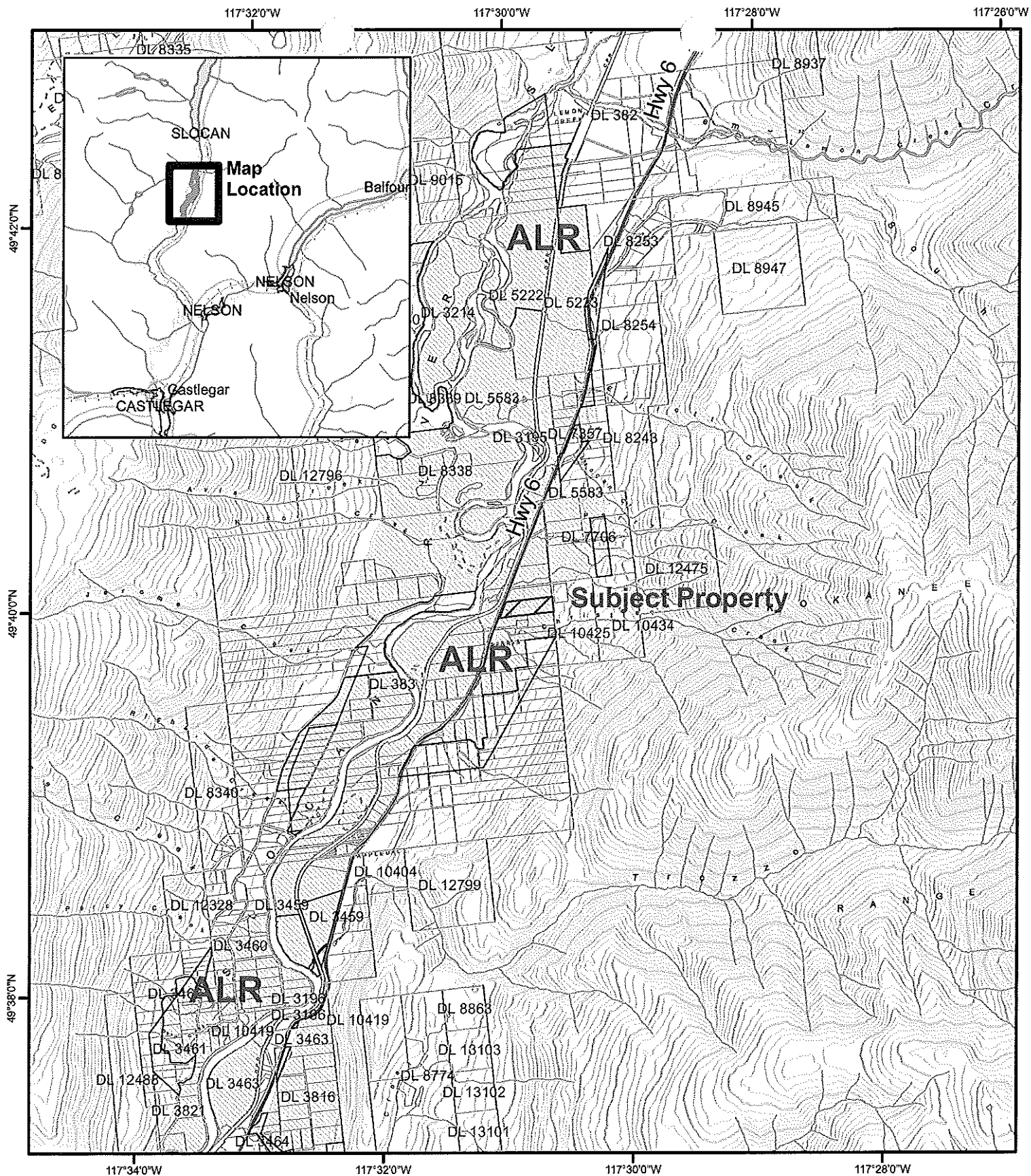
- Letter from Applicant
- Sketch of proposed subdivision
- ALC Map 82F/12 (1:50,000)
- Aerial Photo

**END OF REPORT**

  
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Signature

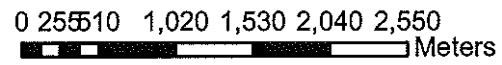
  
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Date





**Airphoto-Map**

Map Scale: 1:50,000



ALC File #:	21-07-37327
Mapsheet #:	82F/12
Map Produced:	June 5, 2007
Regional District:	Central Kootenay