



August 9, 2007

Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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Reply to the attention of Terra Kaethler
ALC File: # Q - 37424

Robert Gill
10852 - 140th Street
Edmonton, AB T5M 1S3

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 384/2007 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:

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (E-2454-06580-000)

Enclosure: Minutes/Sketch Plan

TK/lv/37424d1.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff
	Darrell Smith	Resource Stewardship Agrologist, Ministry of Agriculture and Lands

For Consideration

Application: # Q - 37424
 Applicant: Robert Gill
 Proposal: To subdivide the 70 ha subject property into 3 lots: Lot 1 (15 ha), Lot 2 (25 ha), and a remnant lot along Hulme Creek Road (30 ha). The remnant lot has approximately 5 ha within the ALR.
 Legal: PID: 014-909-529
 District Lot 2454, Kamloops Division of Yale District, EXCEPT 1) Part lying east of the Eastern Limit of Plan H722, 2) Plan 38495 and KAP64195
 Location: Hulme Creek Road, Rock Creek

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
- Robert Gill Applicant

The Commission met with the applicant and walked the property. The Commission noted the steep topography and rocky soil conditions of the property.

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 agricultural capability of the majority of the subject property is rated 70% Class 6 and 30% Class 6 unimprovable, 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

At the site visit, the Commission confirmed that the property was extremely limited in agricultural capability due to the topography and rocky conditions.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The proposed subdivision will create three large lots that are consistent, or larger, with the surrounding area. Further, the majority of the remainder lot is not within the ALR. Given the size of the proposed lots and the low agricultural capability of the property, the Commission does not believe the proposal would impact existing or potential agricultural use of the property or 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 Griffin

SECONDED BY: Commissioner Purdy

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 # 384/2007

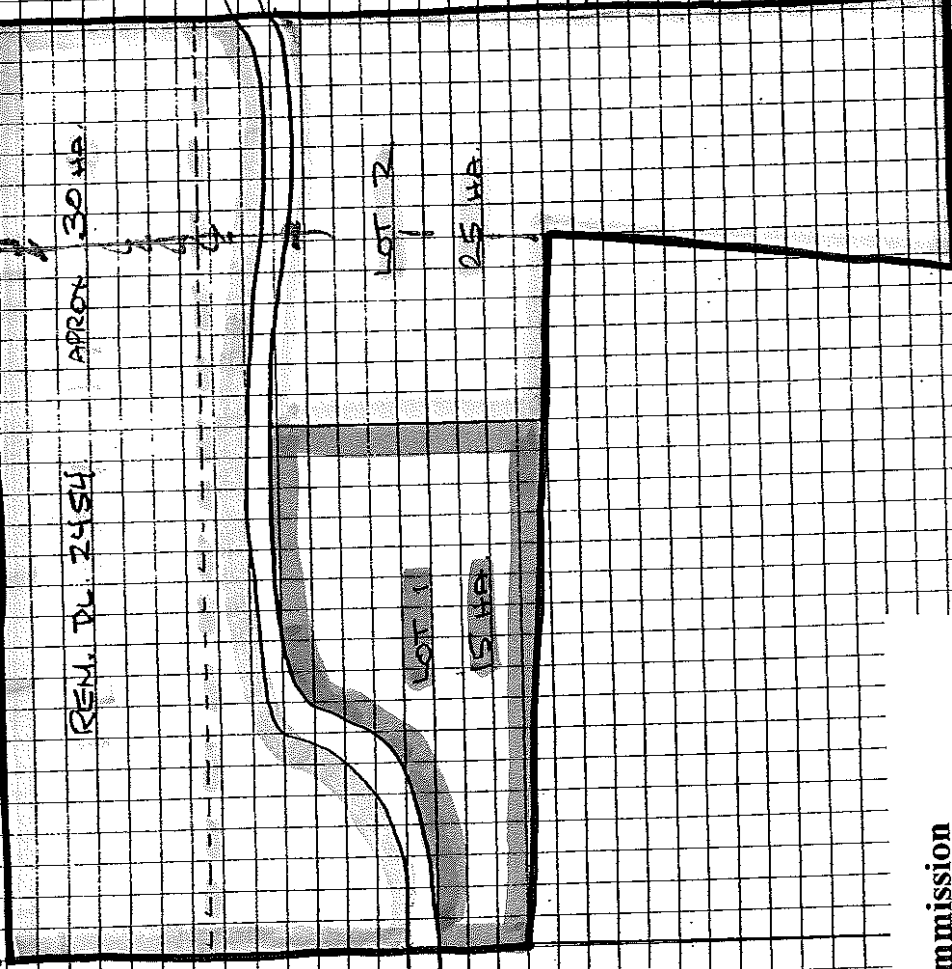
Proposed Subdivision Plan

DL 1024

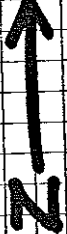
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REM. DL 2454 APPROX 30 HA





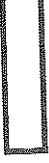
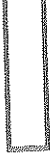
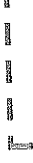
DL 987



APPROXIMATE ALR BOUNDARY →

HULME CREEK RD.

Provincial Agricultural Land Commission
 Application # 37424
 Resolution # 384/2007

-  Subject Property
-  Approved subdivision of Lot 1 (15 ha)
-  Approved subdivision of Lot 2 (25 ha)
-  Approved subdivision of remainder lot (30 ha)
-  ALR boundary



**Staff Report
Application # Q – 37424
Applicant: Robert Gill**

DATE RECEIVED: May 14, 2007

DATE PREPARED: June 20, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 70 ha subject property into 3 lots: Lot 1 (15 ha), Lot 2 (25 ha), and a remnant lot along Hulme Creek Road (approximately 30 ha). The remnant lot has approximately 5 ha within the ALR

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: 014-909-529
District Lot 2454, Kamloops Division of Yale District, EXCEPT 1) Part lying east of the Eastern Limit of Plan H722, 2) Plan 38495 and KAP64195

Purchase Date:

1997-01-01

Location of Property:

Hulme Creek Road, Rock Creek

Size of Property:

70.0 ha (Approximately 65 ha of the property is within the ALR).

Present use of the Property:

Mobile home and small shed on the proposed Lot 2

BACKGROUND INFORMATION (cont.):

Surrounding Land Uses:

WEST: Farm, Grazing
SOUTH: Residence on 16.1 ha lot
EAST: Applicant's previous subdivision, agricultural, hay
NORTH: Subdivision, residential, several 4.0ha lots

Agricultural Capability:

Data Source: Agricultural Capability Map # 82E/3
The majority of the property is identified as having 70% Class 6, 30% Class 7 with limitations of topography and bedrock.

Official Community Plan and Designation: N/A

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

PREVIOUS APPLICATIONS:

Application #31477-0

Applicant: Gill, Robert
Decision Date: July 23, 1997
Proposal: To subdivide the subject 90 ha property into 2 lots (30 and 60 ha) and include the westerly 25 ha in the ALR. The portion to be included is part of the 60 ha lot and is presently out of the ALR (inclusion application #31522).
Decision: Refuse subdivision as proposed. Refuse inclusion as proposed as the agricultural capability of the proposed 25 ha area did not warrant inclusion into the ALR.

Application #31477-1

Applicant: Gill, Robert
Decision Date: February 23, 1998
Proposal: The Regional District requested reconsideration of the original proposal "since the land is not capable of supporting agricultural activities according to CLI mapping".
Decision: Confirm original decision to refuse subdivision as requested but allowed subdivision along Hulme Creek Road.

Application #31477-2

Applicant: Gill, Robert
Decision Date: September 22, 1998
Proposal: The applicant and Regional District requested reconsideration of the original proposal based on new information supplied by the RD dated 30 July 1998.
Decision: Allow subdivision as requested.

RELEVANT APPLICATIONS:

Application #28449-0 (Adjacent to East)

Applicant: Bergnach, D. & D.
Decision Date: March 02, 1995
Proposal: To subdivide the 10 ha parcel into three lots of 3.3 ha.
Decision: Allowed on the grounds that only 3 ha of the proposed lots lay within the ALR. Both the rescinding of a previous decision for a 20 unit Mobile Home Park (Res. #2328/75) and fencing of the west property boundary of the proposed lot 1 were conditions of approval.

Application #15642-0 (Adjacent to South)

Applicant: Bullock, Richard
Decision Date: January 12, 1983
Proposal: To subdivide the subject property into two parcels of 0.8 ha and 5.3 ha under the *Homesite Severance Policy*.
Decision: Refused on the grounds that the applicant owns two adjacent properties and the Commission is reluctant to allow an increase in the number of lots in this agricultural area.

Reconsideration: May 10, 1983: original proposal, subject to the consolidation of adjacent lot 1, plan 14980 with lot 79, plan 1247. Allowed with consolidation.

Application #35674-0

Applicant: Price, William & Sylvia
Decision Date: March 16, 2005
Proposal: To subdivide the property into three parcels; the west side of Hulme Creek Road, the NE corner of the property and the SE corner of the property.
Decision: Approved on the grounds that the property had marginal agricultural capability and subdivision not likely to affect agricultural potential of property

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional District of Kootenay Boundary: Support the application.

Advisory Planning Commission: Support the application.

RDKB Planning and Development Committee: Support the application.

Local Government Staff: That the application be forwarded to the ALC.

ATTACHMENTS:

- Proposed Subdivision Plan
- Letter from applicant
- Letter from RDKB regarding File # 31477, July 30, 1998
- Minutes of Resolution #552/98 (File #31477), September 22, 1998
- ALC Airphoto Map
- ALC Agricultural Capability Map 82E/3
- ALC Context Map 82E/3 (1:50,000)

END OF REPORT



Signature



Date