



Agricultural Land Commission
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December 19, 2008

Reply to the attention of Jennifer Carson
ALC File: Q-38466

Irvin and Carolynn Kelly
6629 Sidley Mountain Road
Bridesville, BC V0H1B0

Dear Mr. and Mrs. Kelly:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 658/2008 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

Enclosure: Minutes/Sketch Plan

cc: Regional District of Kootenay-Boundary (E-775s-04096-000)

JC/
i/38466d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 9, 2008.

PRESENT: Roger Mayer Commissioner
Carmen Purdy Commissioner
Jennifer Carson Staff

For Consideration

Application: # Q- 38466
Applicant: Irvin and Carolynn Kelly
Agent: Jeff and Marsha Stevens
Proposal: Subdivision For a Relative: To subdivide the 119 ha subject property, to create one (1) lot of 1 ha for their daughter and son-in-law, and one (1) lot of 118 ha. There are two dwellings on the property. Each new lot would contain a dwelling.
Legal: PID: 014-163-543
Location: District Lot 775s, Similkameen Division Yale District 6629 Sidley Mountain Road, West of Bridesville

Site Inspection

A site inspection was conducted on October 2, 2008. Those in attendance were:

- Roger Mayer Commissioner
Carmen Purdy Commissioner
D. Grant Griffin Commissioner
Jennifer Carson Staff
Carolynn Kelly Applicant
Jeff Stevens Applicants' son in law

The Commission met with Mrs. Kelly at the subject property to discuss the subdivision application. Mrs. Kelly explained that her and her husband have been on the property for 25 years and that her daughter and her family have lived on the property for 10 years. The purpose of the application is to allow Mr. and Mrs. Stevens to acquire financing to expand onto their existing house so that it can accommodate their growing family. Mrs. Kelly explained that with their agricultural operation of 400 head of cattle, her daughter and son-in-law often help out and having them close by is necessary to the operation. Mrs. Kelly encouraged the Commission to go and view the proposed subdivision around the existing home of her daughter and speak with her son-in-law Mr. Stevens. The Commission did so and saw that the placement of the house was such that it is situated in the corner of the property.

Commission directed staff to discuss the possibility of a 30 year lease with the applicants to determine if this type of situation would allow the applicants' daughter and son-in-law to acquire a loan from the bank to add onto their home. It was discovered that the bank would not be amenable to this sort of arrangement. This information was brought to the Commissioners.

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 soil of the subject property is

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

M	soil moisture deficiency	P	stoniness
T	topography		

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 noted that the house already exists on the subject property and that as the house and parcel are intrinsically tied to the agricultural operation, the proposal would not adversely impact existing or potential agricultural use of the subject property or surrounding lands.

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 not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy

SECONDED BY: Commissioner Mayer

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

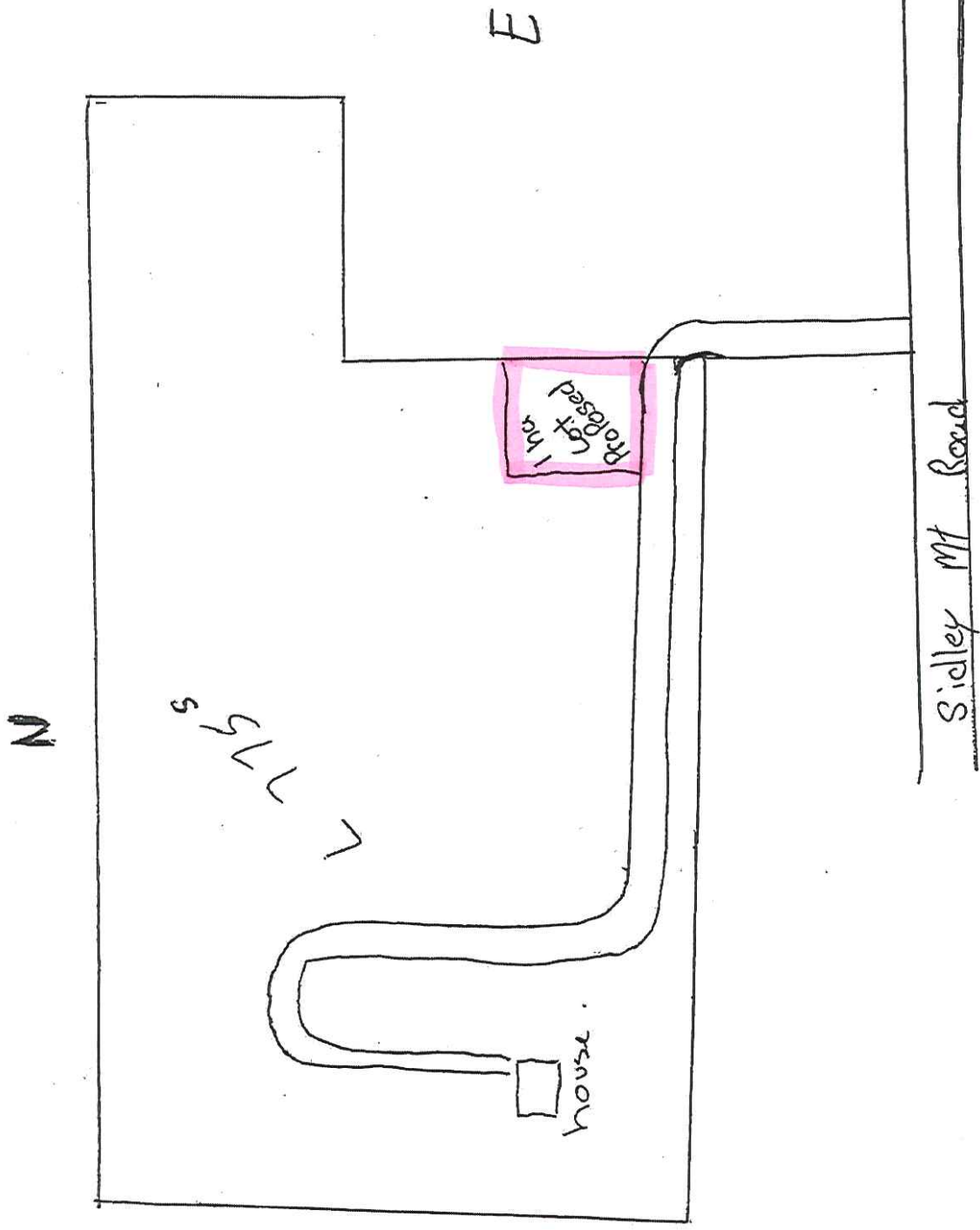
- a restrictive covenant that indicates that there will be no further subdivision of either of the resulting parcels
- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 658/2008

Proposed Subdivision Plan



ALC Resolution # 658/2008
1 ha parcel approved for subdivision

S

June 1, 2008
Carolynn Kelly
CARRI V. M. KELLY
Irvin Kelly
IRVIN KELLY