

Request for Decision ALR Subdivision Application

File No: P 726 109
Reference: 105781
Date: April 29, 2026

- Subject:** ALR Subdivision (Elkford / The Nature Conservancy of Canada)
Applicant: Alex McLeod, The Nature Conservancy of Canada
Agent: Richard Haworth, Haworth Development Consulting Ltd.
Location: Fording River Road, Elkford
Legal: That Part of Parcel 35 (See 85163i) Which Lies to the North of the Extension Easterly of the Southerly Boundary of District Lot 3049 to the Easterly Boundary, District Lot 4588 Kootenay District, Except Parts Included in Plans S9330, 11279, 12976, 12977, 12978, 12979, 12980, 15889, NEP21818, NEP70656 and EPP117099 (PID: 011-826-193)
- Proposal:** To subdivide two new parcels from an 8837 ha property, leaving an 8618 ha remainder. The subject property is within both the RDEK and the District of Elkford and a portion is designated ALR.
- Options:**
1. THAT the Agricultural Land Commission be advised the RDEK supports the Nature Conservancy of Canada ALR subdivision application for property located on Fording River Road, near Elkford.
 2. THAT the Nature Conservancy of Canada ALR subdivision application for property located on Fording River Road near Elkford, be refused.
- Recommendation: Option 1**
- Agricultural uses on the subject property are minimal, low suitability for soil-bound cultivated agriculture, mostly forested with limited cattle grazing occurring on parts of the property, but the property is large enough to support any existing or proposed agricultural activity.
- If successfully subdivided the two proposed parcels will be transferred to the Yaqit ᑭa·knuq̄i'it First Nation for traditional agricultural use purposes and for protection of cultural values on the land.

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- Property Information:**
- OCP Designation:** RR, Rural Resource which supports agricultural, rural residential and rural resource land uses with parcel sizes 8.0 ha and larger. The RR designation also recognizes the use of these lands for public utility use, resource extraction, green space and recreation.
- OCP Policies:**
- Land in the ALR is generally designated and supported for agricultural use.
 - Preservation and continued use of agricultural land for present and future food production is encouraged.

Property Information – cont'd:

- ALR applications for subdivision, non-farm use, or exclusion should identify opportunities to improve the agricultural capability and provide a net benefit to agriculture for the lands that remain within the ALR.

Zoning Designation: RR-60, Rural Resource Zone, which has a minimum parcel area requirement of 60 ha.

Parcel Size: Total area: 8837 ha

Portion within District of Elkford: 1864 ha

Portion within RDEK: 6972 ha

Parcel Area within ALR: 1991 ha

Proposed Lot 1 (North): 98 ha +/-

Proposed Lot 2 (South): 121 ha +/-

Proposed Remainder: 8618 ha

Interface Fire Hazard Rating: Low, not within a fire protection service area.

BC Assessment: Vacant

Water / Sewer Services: No servicing is identified in the application. RDEK Subdivision Servicing Bylaw requirements will need to be met at the subdivision referral stage, if application moves forward.

Flood Hazard Rating: The property has Fording River and several creeks running through it and the Elk River borders it. Any work in or around waterbodies must comply with local and provincial government regulations.

Professional Reports:

NWP Coal Canada and Yaqit ᑭᓐᓕᓄᓂᓐᓂᓐ First Nation are undertaking an archaeological assessment of proposed Lot 1 and Lot 2 to further enhance their understanding of the cultural values of these lands.

Pathways Archaeological Cooperative has been engaged by NWP Coal Canada to complete an Archaeological Impact Assessment (AIA) for the subject properties. The AIA is currently in progress and only a high-level assessment has been completed to date.

Agricultural Capability Rating:

North Parcel - Proposed Lot 1 ranges from Classes 4 to 6. About ½ the proposed lot is Class 6 with limiting subclasses of excess water, low fertility, and topography. Sections in the north and west of the proposed lot are Class 5 with a limiting subclass of adverse climate. There is a southerly section of the proposed lot that is considered 80% Class 4 with a limiting subclass of topography and about 20% Class 5 with limiting subclasses of topography and stoniness. The land comprising the proposed northerly lot is not considered improvable for agricultural capability.

**Agricultural
Capability Rating
– cont’d:**

South Parcel – Proposed Lot 2 ranges from Class 3 to 6. Just less than ½ of the proposed lot is considered 90% Class 5 with limiting subclasses of moisture deficiency and flood (water inundation) and about 10% Class 6 with a limiting subclass of topography. A large portion is Class 5 with limiting subclasses of moisture deficiency and stoniness and this portion is considered improvable to Class 4 with only moisture deficiency as a limiting subclass. A small, more central portion of the proposed lot is Class 3 with a limiting subclass of adverse climate.

**Additional
Information:**

- The application states there is limited agricultural activity on the land due to topographic, climatic and soil limitations.
- Previous property owners’ logging operations served to open lands for cattle grazing but no fencing, irrigation or farm buildings exist on the property.
- The proposal will allow the continued use of the remainder parcel for agriculture use.
- NWP Coal Canada Ltd. has an option to purchase the two proposed parcels, and in cooperation with the Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation (formerly Tobacco Plains Indian Band) are proposing to subdivide them from the subject property.
- The Nature Conservancy of Canada (NCC) will continue to own the remainder of the subject property.
- NWP Coal Canada Ltd. will transfer the titles for both new parcels to Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation for their ongoing agricultural, conservation and traditional use purposes and to protect their cultural values.
- The existing access road that bisects the property from north to south, Sulphur Springs Road, is a private road owned by the landowner. The applicant proposes to register an easement over this existing roadway in order to satisfy the subdivision requirement and permit access to the proposed North and South parcels. The approximate total area of the road easement would be 37.6 ha, with approximately 17.6 ha within the ALR.
- The proposed easement will be in favor of the parcels being subdivided and registered over the remaining lands and only permit the property owner access. It is not intended for public use, but the option to allow the public to use the existing road will be determined by the NCC.
- To ensure the lands are not used for residential purposes, the applicant will register a no-build covenant on the property to restrict development of any habitable building or structure; farm structures and other non-habitable buildings and structures will be excluded from the covenant.
- Members of the Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation have traditionally utilized the lands in this area for spiritual, cultural, social and economic purposes.
- Letter of support from Yaq̓it ᑎᑎᑎᑎᑎᑎᑎᑎ First Nation was submitted with the application (attached).

**Additional
Information –
cont'd:**

North Parcel (Proposed Lot 1)

- The proposed North Parcel is located partially in the ALR and is within both the RDEK and District of Elkford, bound west by the Elk River and east by Sulphur Springs Road.
- The North Parcel includes significant wetland and riparian areas.
- It is the applicants' intention to conserve these lands to protect the Sulphur Spring and surrounding ecological habitat.

South Parcel (Proposed Lot 2)

- The proposed South Parcel is entirely within the ALR and the RDEK.
- This parcel contains culturally important lands and there are identified archaeological sites which the applicant is obliged to protect under the *Heritage Conservation Act*.
- The District of Elkford supported this ALR Subdivision application at the regular meeting of Council held on March 23, 2026.

Consultation:

APC Area A: Support recommended.

**Documents
Attached:**

- Location Map
- Proposed Subdivision Plan
- ALR Boundary Map
- Agricultural Capability Maps & Key
- OCP Map
- Zoning Map
- Aerial Map
- Site Maps provided by applicant
 - Existing Property with Aerial Photo
 - Existing Property with ALR Lands
 - North Parcel illustrating ALR Boundary and existing conditions
 - South Parcel illustrating ALR Boundary and existing conditions
- Letter of Support from Yaqit ʔa·knuqʔit First Nation

**RDEK
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