



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

November 10, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36326

Fred Easton
Dinah J. Stanley
RR3, S37, C7
Nelson, BC V1L 5P6

FAXED

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 539/2006 outlining the Commission's decision as it relates to your request to reconsider its previous decision concerning the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#4035-20-A0520E-21850)

GB/lv/Encl: Minutes
36326d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 28, 2006 at Kaslo, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Erik Karlsen	Commissioner
	Gordon Bednard	Staff, ALC

For Consideration

Application: # F- 36326
 Applicant: Dinah J. Stanley and Fred C. Easton
 Proposal: The applicants have asked the Commission to reconsider the application for subdivision of the upper area of the land into two lots on the basis that the Commission did not make a thorough inspection of the property with both applicants present.
 Legal: PID: 012-159-042
 Amended Lot 17 (see 1266481 and 1266431) District Lots 6894 and 6899 Kootenay District Except that Part Included in Plans R211, R113 and 18057
 Location: 1975 Hwy 31, Queens Bay

Site Inspection

A site inspection was conducted on September 28, 2006. Those in attendance were:

Monika Marshall	Chair, Kootenay Panel
Carmen Purdy	Commissioner
Erik Karlsen	Commissioner
Gordon Bednard	Staff, ALC
Stan Combs	Staff, Ministry of Agriculture and Lands
Dinah Stanley and Fred Easton	Landowners

The Commission toured the upper bench area of the subject property and discussed the application at length, with both applicants.

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. In the case of this application, the agricultural capability ratings for the subject property are 70% class 3 (prime) with minor topographic limitations which were evident at the time of the onsite inspection.

Assessment of Agricultural Suitability

The Commission next assessed whether the 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 by facilitating an increase in residential units.

While the Commission is sympathetic to the applicants personal circumstances these cannot be considered as reasons to subdivide agricultural land. The Commission reviewed approved subdivisions in the area and concluded that none are directly comparable to this proposal. The property has good agricultural capability and is of a size which would lend itself to agricultural use.

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 by diminishing the area available for agricultural production and increasing the potential for residential/rural conflict.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Carmen Purdy

SECONDED BY: Commissioner Monika Marshall

THAT the application be refused.

CARRIED

Resolution # 539/2006