



Agricultural Land Commission
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December 12, 2006

Reply to the attention of Gordon Bednard
ALC File: F-36877

John & Margaret Dunphy
8463 - 64th Avenue, NW
Calgary, AB T3B 4M2

Dear Sir/Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 551/2006 outlining the Commission's decision as it relates to the above noted application.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from the Certificates of Title.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#0622-D-05800000)
BC Land Title & Survey, Kamloops

Encl.: Minutes/Sketch Plan
GB/eg/36877d1

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. Available agricultural capability mapping of the property shows the land rated as improved class 4-5 (secondary). This was confirmed by onsite observations of the panel which found very little area on which agriculture could be reasonably expected to be practiced.

Conclusions

1. That the land under application has limited agricultural capability and is not appropriately designated as ALR.
2. That the proposed exclusion will not impact agriculture as there is very little agriculture being practiced in the area, and the surrounding lands exhibit steep topography, similar to the subject site.

IT WAS

MOVED BY: Commissioner Carmen Purdy

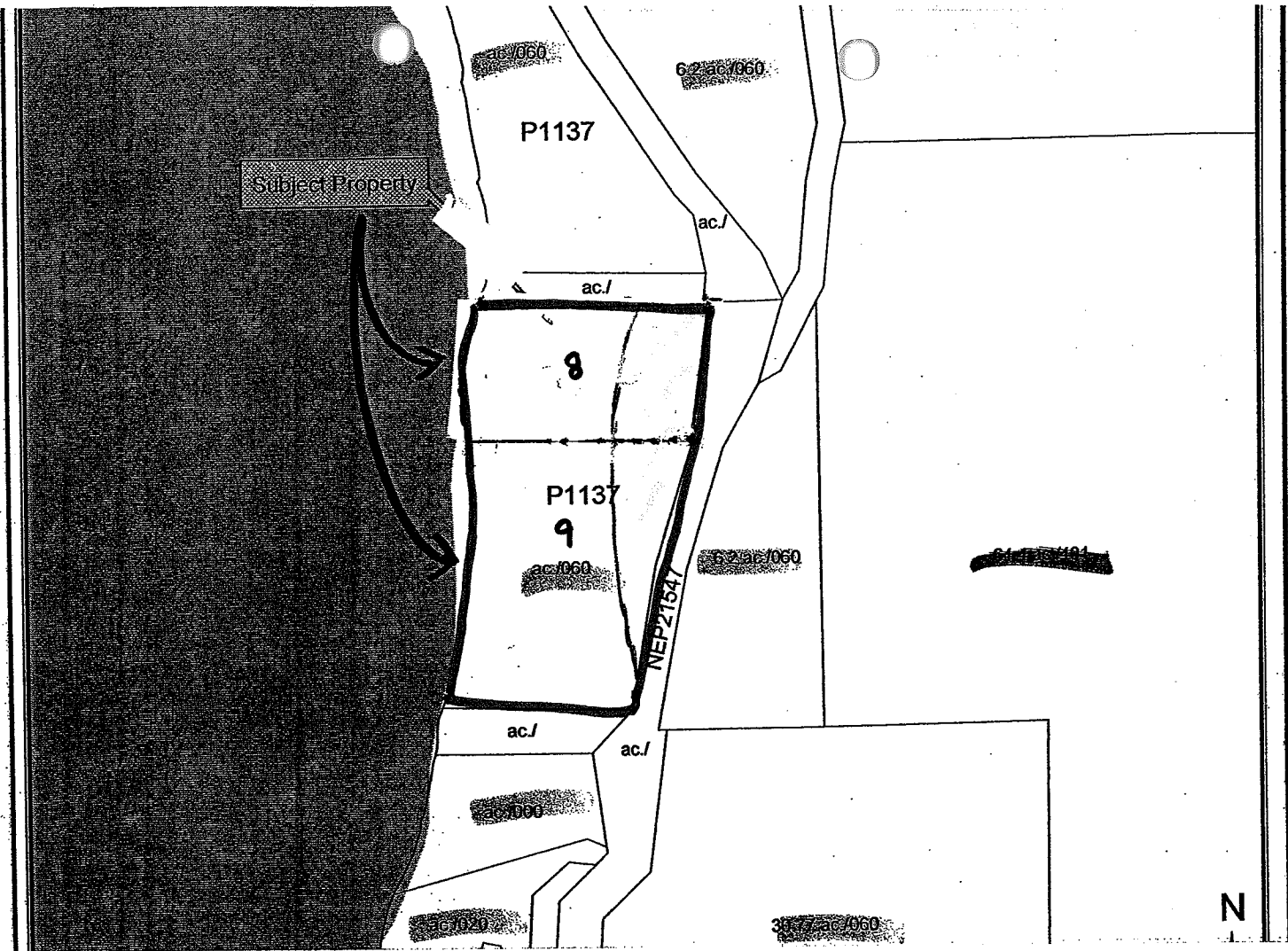
SECONDED BY: Commissioner Monika Marshall

THAT the application be allowed and the properties be excluded from the ALR.

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 # 551/2006



Provincial Agricultural Land Commission

Application: L-36877

Resolution # 551/2006



Subject properties.



1.3 ha area approved for exclusion from the ALR.



Staff Report
Application # F – 36877
Applicant: John & Margaret Dunphy

DATE RECEIVED: August 18, 2006

DATE PREPARED: September 12, 2006

TO: Chair and Commissioners – Kootenay Panel

FROM: Simone Rivers, Land Use Planner.

PROPOSAL: To exclude two properties (total area 3.8 ha) to create five lots with lake frontage, approximately 0.8 ha each.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Approximately one third (1.3 ha) of the property is within the ALR, the remaining 2.5 ha is not.

There are thirteen letters submitted with this application. Of these, twelve oppose the removal of the property from the ALR and one is in favour. In general, the letters speak to the rural character of the area as well as the agricultural history of small homesteads in the area. A petition with 34 signatures opposing the removal of the land from the reserve was also submitted.

Local Government:

Regional District of Central Kootenay

Legal Description of Property:

PID: 013-020-188
Lot 8, District Lot 7451, Kootenay District, Plan 1137;

Purchase Date:

May 1989

Location of Property:

Kootenay Lake near Argenta

Size of Properties:

3.8 ha

ALR Area:

1.3 ha

Present use of the Property:

Summer cabins, workshed, hayshed

Surrounding Land Uses:

WEST: Kootenay Lake
SOUTH: Acreage/summer cabin
EAST: Residence, machine shop, cabin, and storage sheds
NORTH: Acreage/summer cabin

Agricultural Capability:

Data Source: Agricultural Capability Map # 82K/2
The majority of the property is identified as having Secondary ratings.

PREVIOUS APPLICATIONS:

This area was considered as part of application # 78-06496, a fine-tuning of the ALR boundary in the Regional District of Central Kootenay completed in 1978.

STAFF COMMENTS:

Agricultural Capability:

Although only a portion of the property is within the ALR, the entire property is within the same agricultural capability polygon and is rated as 80% Class 4TP – 20% Class 5T
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: T – Topography P - Stoniness

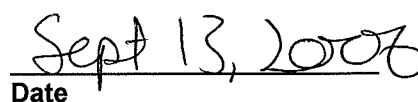
ATTACHMENTS:

- ALR Context Map: BCGS 82K.016 – 1:20,000 (created by ALC Staff)
- Plan showing proposed subdivision of Lots A and B... (submitted by the applicant)
- Orthophoto (Submitted by Central Kootenay Regional District)
- Petition signed by 34 people in Argenta and Johnson's Landing opposing removal of the property from the ALR (submitted by Central Kootenay Regional District).

END OF REPORT



Signature



Date