



Agricultural Land Commission -
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July 10, 2008

Reply to the attention of Jennifer Carson
ALC File: F-38047

John and Shelley Grandy
Site 2 - Comp 9
Edgewood, BC V0G1J0

Dear Mr. & Mrs. Grandy:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 331/2008 outlining the Commission's decision as it relates to the above noted application.

Please submit an inclusion application for the area proposed in your alternative proposal to the Regional District of the Central Kootenay. Upon receipt and review of this application the Commission will advise you to 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. It will also confirm for the Registrar the area excluded from and included into the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (A0809K-00093-000)

Enclosure: Minutes/Sketch Plan

JC/38047d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 4, 2008 in Cranbrook, B.C.

PRESENT: Monika Marshall Chair, Kootenay Panel
 Carmen Purdy Commissioner
 D. Grant Griffin Commissioner
 Jennifer Carson Staff

For Consideration

Application: # F- 38047
Applicant: John and Shelley Grandy
Proposal: To exclude the approximately 5.0 ha portion of the 13.7 ha subject property that is within the ALR in order to facilitate subdivision.
Legal: PID: 013-987-992
 Lot 2, Section 18, Township 70, Kootenay District, Plan 7217, Except Part included in Plan 10325
Location: Highway 6, Edgewood

Site Visit

The Commission did not conduct a site inspection for this application.

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

The applicants have submitted an alternative proposal indicating that should they be permitted to exclude the small portion of the property within the ALR on the two proposed northern lots, they would seek inclusion of the remainder of the proposed 8.0 ha southern lot. The applicants indicate that this southern lot is more suitable for farming as it already has fields and gardens in place, in areas currently outside the ALR.

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 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

Subclasses

D	undesirable soil structure	R	shallow soil / bedrock outcroppings
T	topography		

The Commission noted on the Agricultural Capability Map that the Class 3 land is in the southern portion of the property that would be contained within the 8.0 ha parcel.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It examined the alternative proposal submitted by the applicant, noting a field, illustrated in both the aerial photograph as well as the photographs provided by the applicant and the non-ALR portion of the southern proposed lots that could be a candidate for inclusion into the ALR. The Commission noted that there would be an increase in ALR land that is currently in a field and gardens if the non-ALR land was added to the ALR. The Commission believes the revised proposal would not adversely impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the proposal as submitted would have an adverse impact on agriculture
2. That the alternative proposal will not adversely impact agriculture.
3. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed.

AND THAT the alternative proposal made by the applicants to exclude the approximate 1.0 ha portion of the proposed northern lots from the ALR and to include the remaining portions of the proposed southern lot that is not within the ALR be allowed.

AND THAT the approval is subject to the following conditions:

- the inclusion of approximately 4.0 ha into the ALR
- 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 # 331/2008

