



Agricultural Land Commission
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October 30, 2008

Reply to the attention of Jennifer Carson
ALC File: F-38298

Burke Jones
Box 472
Nelson, BC V1L5R3

Dear Mr. Jones:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 651/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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

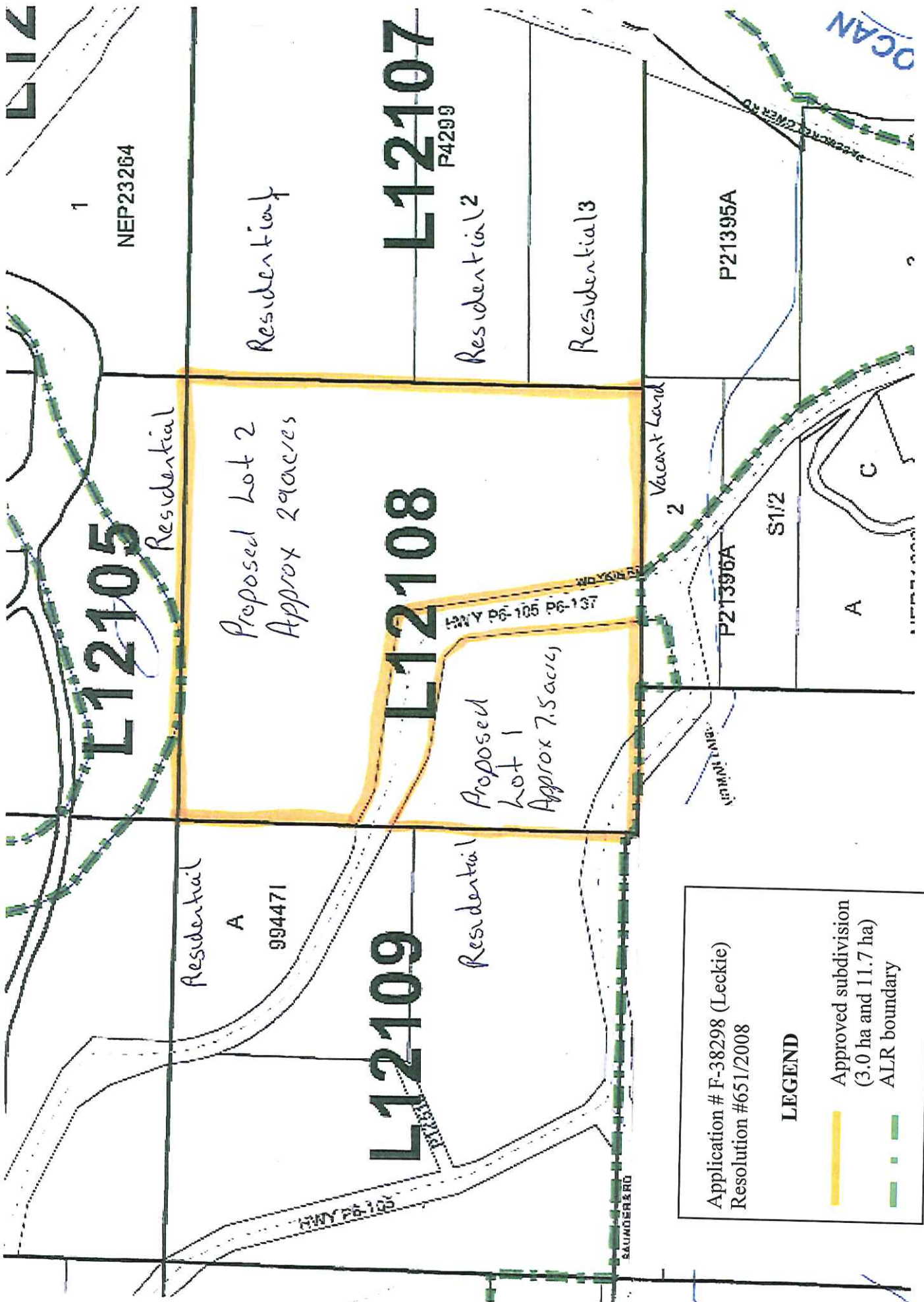
Per: 

Erik Karlisen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Kootenay (A0818Hs-10023-000)

JC/
i/38298d1



Application # F-38298 (Leckie)
 Resolution #651/2008

LEGEND

- Approved subdivision (3.0 ha and 11.7 ha)
- ALR boundary



A meeting was held by the Provincial Agricultural Land Commission on October 1, 2008 in Castlegar, B.C.

PRESENT:	Roger Mayer	Commissioner
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # F- 38298
 Applicant: Francis Leckie
 Agent: Burke Jones
 Proposal: To subdivide the 14.7 ha subject property along a road and elevation change to create one (1) parcel of 3.0 ha and one (1) parcel of 11.7 ha.
 Legal: PID: 016-471-440
 District Lot 12108, Kootenay District
 Location: 3885 Woykin Road, Nelson rural

Site Inspection

A site inspection was conducted on October 1, 2008. Those in attendance were:

- Roger Mayer Commissioner
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Russell Leckie Applicant
- Burke Jones Agent/friend

The Commission met with the applicant and agent at the subject property to discuss the subdivision application. Mr. Leckie indicated that he owned the small property to the south of the subject property as well, however, when asked by the Commission he said that he would not consider consolidating it with the remainder parcel as he would like to give his grandson the smaller property as he was considering moving close by in order to assist him with work. The Commission noted that the area northeast of the road (the proposed remainder parcel) was relatively flat and has been farmed in the past, whereas the area southwest of the road was separated by the remainder of the property not only by a road but a very steep slope as well. The Commission viewed this area with the applicant and agent and saw that while it was separated by an extreme topographical divide, that it had a flat bench on top. Mr. Leckie was planning on moving to this portion of the property where he has started to build a house and to sell the farm.

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 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	C	adverse climate
P	stoniness	I	inundation (flooding by streams, etc.)

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 believes the proposal would have not have a negative impact on the existing or potential agricultural use of the existing agricultural portion of the property.

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 Griffin
SECONDED BY: Commissioner Purdy

THAT the application be allowed as proposed.

AND THAT the approval is subject to the following conditions:

- 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 # 651/2008