



Agricultural Land Commission
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November 10, 2009

Reply to the attention of Martin Collins
ALC File: 38520/45436

R. G. Holtby
2533 Copper Ridge Drive
West Kelowna, B.C.
V4T 2X6

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1279/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify the landowner(s).

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

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Kootenay (4035-20-A0826K-02956)
Registrar of Land Titles, Kamloops

MC/i/38520d1



A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 3, 2009 at Cranbrook, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Erik Karlsen	Chair
	Roger Cheetham	ALC Staff

For Consideration

Application: 38520/45436
Applicant: Malkin Investment Group Ltd
Agent: Bob Holtby, P. Ag
Proposal: To exclude 1.4 ha from the ALR for tourist oriented development.
Legal: PID 015 041 140 - Lot 15, DL 9156, KD, Plan 1061, Except Plan 11338
Location: Fauquier, on the east shore of Lower Arrow Lake

Site Inspection

No site inspection was conducted.

However a meeting was held on Tuesday, November 3, 2009 at the Ministry of Environment Offices located in Cranbrook, attended by the Commissioners and staff noted above, and Bob Holby, the agent for the applicant. At the meeting the limited agricultural capability of the property was discussed, in particular the gravelly soils and the lack of water for irrigation. Also discussed were the potential impacts of the exclusion and development on any existing, or potential, agricultural development on the surrounding ALR lands.

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 and Suitability

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.

The unimproved 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.

The limiting subclasses are topography, stoniness, unfavourable soil structure, and seasonal moisture deficiency.

The Commission believed that the 1.4 ha parcel had very limited capability or suitability for agricultural development because of poor soils and its small size.

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 exclusion proposal and subsequent tourist oriented development would not affect the existing or potential agricultural use of surrounding lands because the 1.4 ha area does not adjoin any active farm operations.

Conclusions

1. That the land under application has very limited agricultural capability and is unsuitable for agricultural uses.
2. That the exclusion proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner B. Minor

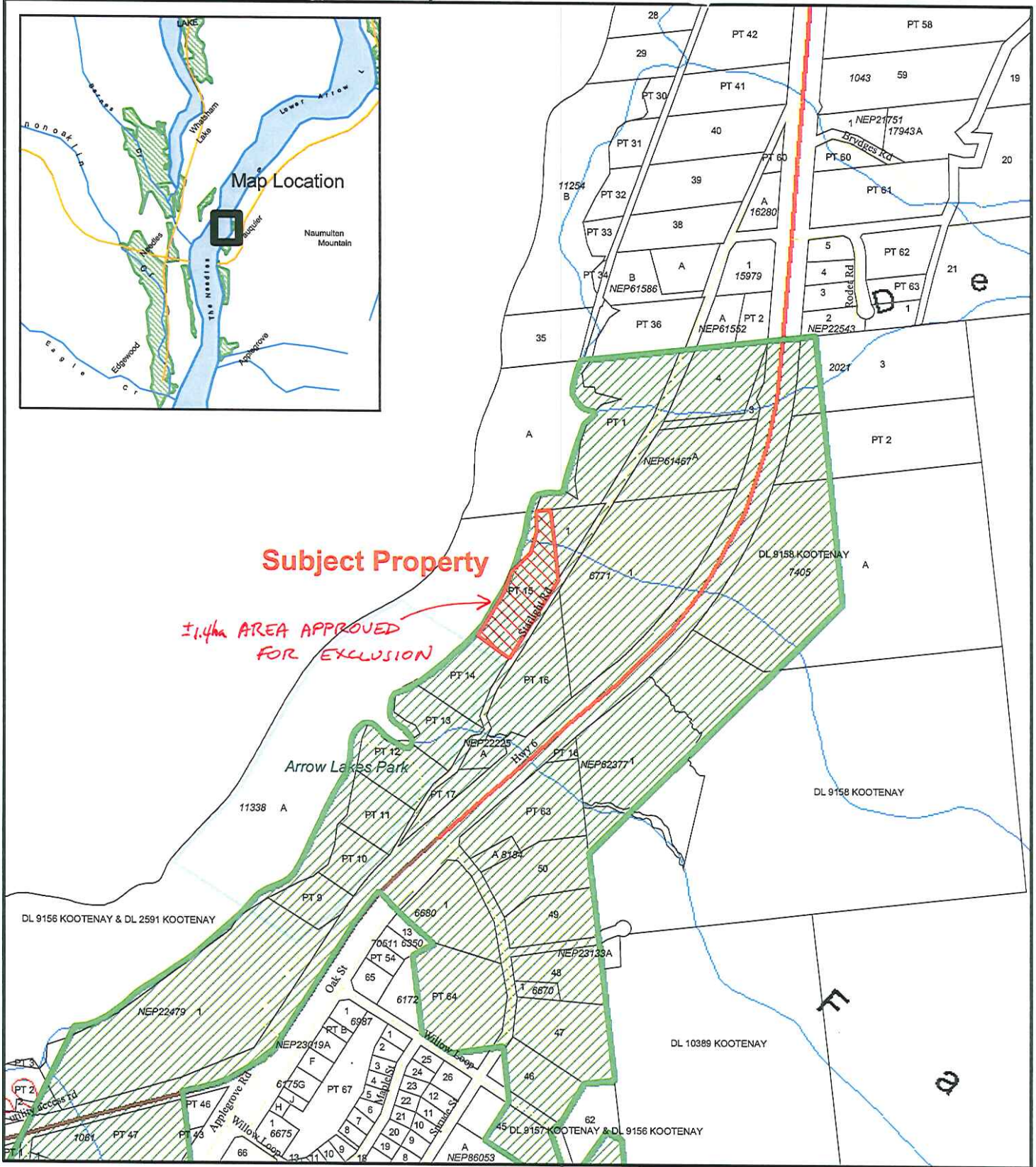
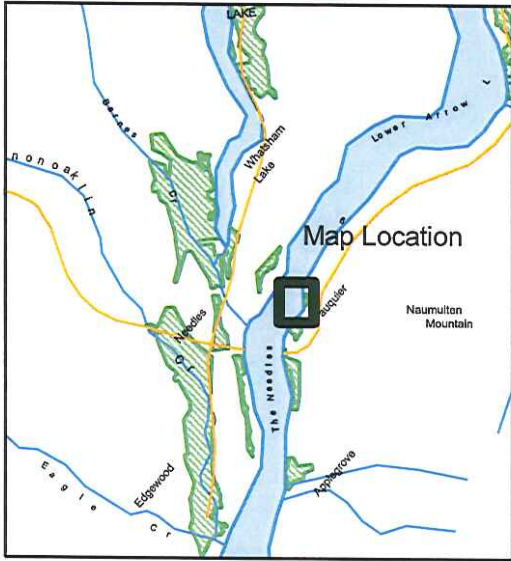
THAT the application to exclude the 1.4 ha property from the ALR be allowed.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 1279/2009

118°4'0"W

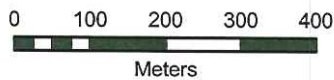


118°4'0"W

RESOLUTION # 1279/2009

Context Map

Map Scale: 1:10,000



ALC File #:	02-2008-38520
Mapsheet #:	82E.090
Map Produced:	Oct 22, 2008
Regional District:	Central Kootenay