



Agricultural Land Commission
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November 24, 2009

Reply to the attention of Martin Collins
ALC File: 38995 (45968)

Tom and Lois Browne
PO Box 912
Creston, B.C.
V0B 1G0

Dear Sir/Madam:

Re: Application for a School within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1467/2009 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary, please contact the local government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Central Kootenay (File: 4035-20-A09090C-03804.000)

MC//38995 (45968)d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 17, 2009 at Rossland, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Martin Collins	ALC Staff

For Consideration

Application: 3895 (45968)
Applicant: Tom and Lois Browne
Proposal: To use a 2,200 sq ft building for a school on the 0.72 ha property.
Legal: PID 012 770 680 Lot 1, DL 892, KD, Plan 11711
Location: North of Creston

Site Visit

The Commissioners and staff noted above viewed the property on November 16th, 2009, met with Lois Browne and toured the school building (Wondertree School). Lois Brown indicated that a small school (not approved by the Commission) predated the current facility. However in order to qualify for public funding the current school must have appropriate permits.

The Commissioners noted that a very large rock outcrop dominated the 0.7 ha property and that the only flat land was occupied by the school structure.

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 complex;

- 30% Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
70 %Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The limiting subclasses are rockiness and topography.

The property has no agricultural capability due to its small size and the presence of a large rock outcrop and extensive structures.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the subdivision proposal against the long term goal of preserving agricultural land. The Commission believed that due to the very small size of the school (5-10 pupils) that the impacts of the facility on adjoining agricultural activity to the south would be very limited. Trespass by students or increased traffic was not anticipated to have negative effects on the adjoining farm property lying to the south.

Conclusions

1. That the land under application has no agricultural capability.
2. That the school facility would not substantively affect agriculture.

IT WAS

MOVED BY: Commissioner B. Minor

SECONDED BY: Commissioner C. Purdy

THAT the application to use the existing 2,200 sq ft building for a school 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 # 1467/2009