



Agricultural Land Commission
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September 23, 2009

Reply to the attention of Brandy Ridout
ALC File: L-39053 (46044)

Bonnie T. Krog
PO Box 1737
Ferne, B.C.
V0B 1M0

Dear Madam:

Re: Application to subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #829/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

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.

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P 709 105

MC/i/39053d1



A meeting was held by the Provincial Agricultural Land Commission on Thursday, September 17, 2009 by telephone conference call.

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

For Consideration

Application: L-39053
Applicant: Bonnie Krog
Proposal: To subdivide the 2.5 ha lot into two lots of roughly equal size.
Legal: PID 012-152-544 Lot 75, DL 4589, KD, Plan 1299
Location: Cokato Rd., Fernie

Site Inspection No site inspection was conducted.

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.

The agricultural capability of the soil of the subject property is 7:4M 3: 5MP improvable to 7:3M 3:4MP;

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 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.

The limiting subclasses are moisture deficiency and stoniness.

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 noted that there were adjoining and nearby small residential parcels. However, there were also many lots of similar (2 – 4 ha) size or slightly larger in this rural area. As such there were deemed to be no external factors that render the land unsuitable for agricultural use.

Assessment of Agricultural Impacts

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It is the Commission's experience that subdividing farmland can have the following negative impacts;

- increasing potential for complaints about typical farm practices, and trespass onto farmland, and
- raising expectations of additional subdivision, resulting in similar subdivision requests, smaller parcels, and less agricultural activity.
- reducing parcel sizes to the extent that it is unlikely that they will be used for agriculture.

Conclusion

On balance the Commission believed that due to the limited agricultural capability of the subject property, and its division into two distinct areas because of a topographic break, that its agricultural development was unlikely. Also the Commission did not believe that any of the negative impacts noted above would result from the subdivision because of the property's location and unique physical characteristics.

IT WAS

MOVED BY: Commissioner B. MInor

SECONDED BY: Commissioner C. Purdy

THAT the application to subdivide the 2.5 ha property into two lots of roughly equal size be allowed.

AND THAT the approval is subject to the following condition:

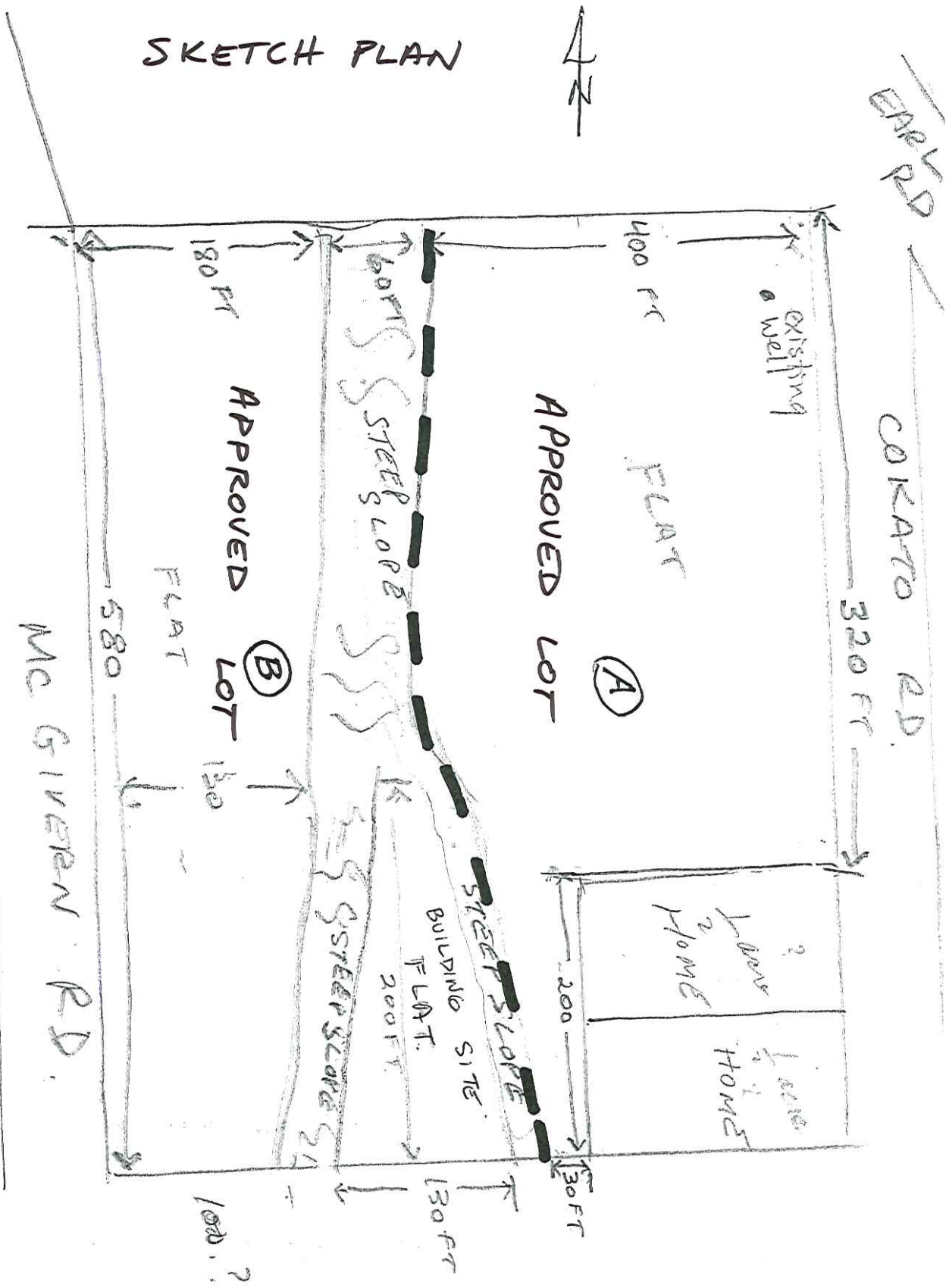
- the subdivision must be completed within three (3) years from the date of this decision.

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

CARRIED

Resolution # 829/2009

SKETCH PLAN



ALC APPLICATION # L-39053
RESOLUTION # 829/2009