



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
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November 5, 2009

Reply to the attention of Martin Collins
ALC File: 50226

FCS Land Service L.P. (Focus)
#303-535 Victoria Ave North
Cranbrook, B.C.
V1C 6S3

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1290/2009 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 your client(s) accordingly.

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 dark ink, appearing to read 'Erik Karlsen', written over a light-colored background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (File: P709 406)

MC/i/50226d1



A meeting was held by the Provincial Agricultural Land Commission on 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: 50226
Applicant: David Graham
Agent: FCS Land Services L.P. (Focus)
Proposal: To subdivide the 4 ha property into two 2 ha lots.
Legal: PID 012-069-159 Lot 1 DL's 1203 and 1204, KD, Plan 12379
Location: Porteous Road between Kimberly and Cranbrook

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 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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The improved agricultural capability of the soil is;

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

The limiting subclass is topography. In addition irrigation would be required to intensively develop the land for agriculture.

The Commission assessed what other factors other than soil capability might cause the land to be unsuitable for agriculture. The Commission noted that the property was located in a rural residential subdivision and that the prevalent 2 – 4 ha parcel sizes were not supportive of agricultural development.

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 not affect the existing or potential agricultural use of surrounding lands because the proposed lots are surrounded by rural residential properties.

Conclusions

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

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner J. Thibeault

THAT the application to subdivide the 4 ha lot into two 2 ha lots be allowed.

And that the decision be 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 # 1290/2009

ALC APPLICATION 50226
RES. # 1290/2009

GRAHAM
ALR SUBDIVISION APPLICATION

APPROVED Subdivision

