



**Agricultural Land Commission**  
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November 17, 2009

Reply to the attention of Roger Cheetham  
ALC File: 50521

Don Morrison  
6220 Ha Ha Creek Road  
Box 44  
Wardner, BC  
V0B 2J0

Dear Sir:

**Re: Application to Subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 1425/2009 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:

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P709-323)

RC/I/50521d1



**A meeting was held by the Provincial Agricultural Land Commission on November 3<sup>rd</sup> 2009 in Cranbrook, B.C.**

<b>PRESENT:</b>	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Erik Karlsen	Chair
	Roger Cheetham	Staff

### **For Consideration**

Application: 50521  
Applicant: Mayook Valley Ranch Ltd.  
Agent: Don Morrison  
Proposal: To subdivide a 130 ha parcel into two, comprising parcels of 87 and 43 ha respectively separated by Ha Ha Road  
Legal: PID 011-406-917  
Location: 6220 Ha Ha Creek Road

### **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, 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 predominantly Class 4 with either topography and stoniness or excess water and soil moisture deficiency limitations. Parts are improvable to Class 2.

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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.

### **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 did not believe there are external factors that render the land unsuitable for agricultural use and did not consider that Ha Ha road has any meaningful impact on agricultural potential.

### **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 did not believe that the subdivision would have any impact on the existing or potential agricultural use of the subject property or on surrounding lands.

### **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 impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner J. Thibeault  
**SECONDED BY:** Commissioner E. Karlsen

THAT the application to subdivide the property into two parcels separated by Ha Ha Road, approximately 87 and 43 ha in extent be approved

AND THAT the approval is subject to the following conditions:

- 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 # 1425/2009**