



Agricultural Land Commission
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April 6, 2010

Reply to the attention of Martin Collins
ALC File: #51172

Ross Blackwell
Focus Corporation
#303-535 Victoria Ave N.
Cranbrook, B.C.
V1C 6S3

Dear Sir:

Re: Application for a Road Right of Way in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2322/2010 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.

Please send two (2) paper prints of the final right of way 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: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay

MC/51172d1



A meeting was held by the Provincial Agricultural Land Commission on March 24th, 2010 at Cranbrook, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Mayer	Commissioner
	Martin Collins	Staff

For Consideration

Application: #51172
Applicant: Integrated Land Management Bureau
Agent: Focus Corporation – Ross Blackwell
Proposal: To dedicate a road right of way 20 meters wide and ~800 meters long (1.6 ha in total) across crown land to construct a road to access non ALR land.
Legal: PID 017-218-403 DL 33, Kootenay District, Except.....
Location: Standard Hill Road, Northwest of Cranbrook

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 8:4FP 2: 6T

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- 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 low fertility and topography.

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 it excluded the 128 ha property lying to the north from the ALR in 2009. The proposed road crosses similar capability lands which have not been improved for agriculture. The Commission did not believe that the land proposed for the right of way, or adjoining forested crown land was suitable for agricultural uses.

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 does not believe the road proposal would impact existing or potential agricultural use of surrounding lands bisected by this old wagon road. The Commissioners were not aware of any agricultural activity on this crown ALR land.

Conclusions

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

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner B. Minor

THAT the application for 1.6 ha of ALR for road right of way (20 meters wide, 800 meters long) be allowed.

AND THAT the approval is subject to the following conditions:

- the right of way 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

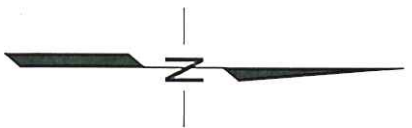
Resolution # 2322/2010

PROPOSED SUBDIVISION OF DISTRICT LOT 9395, KOOTENAY DISTRICT



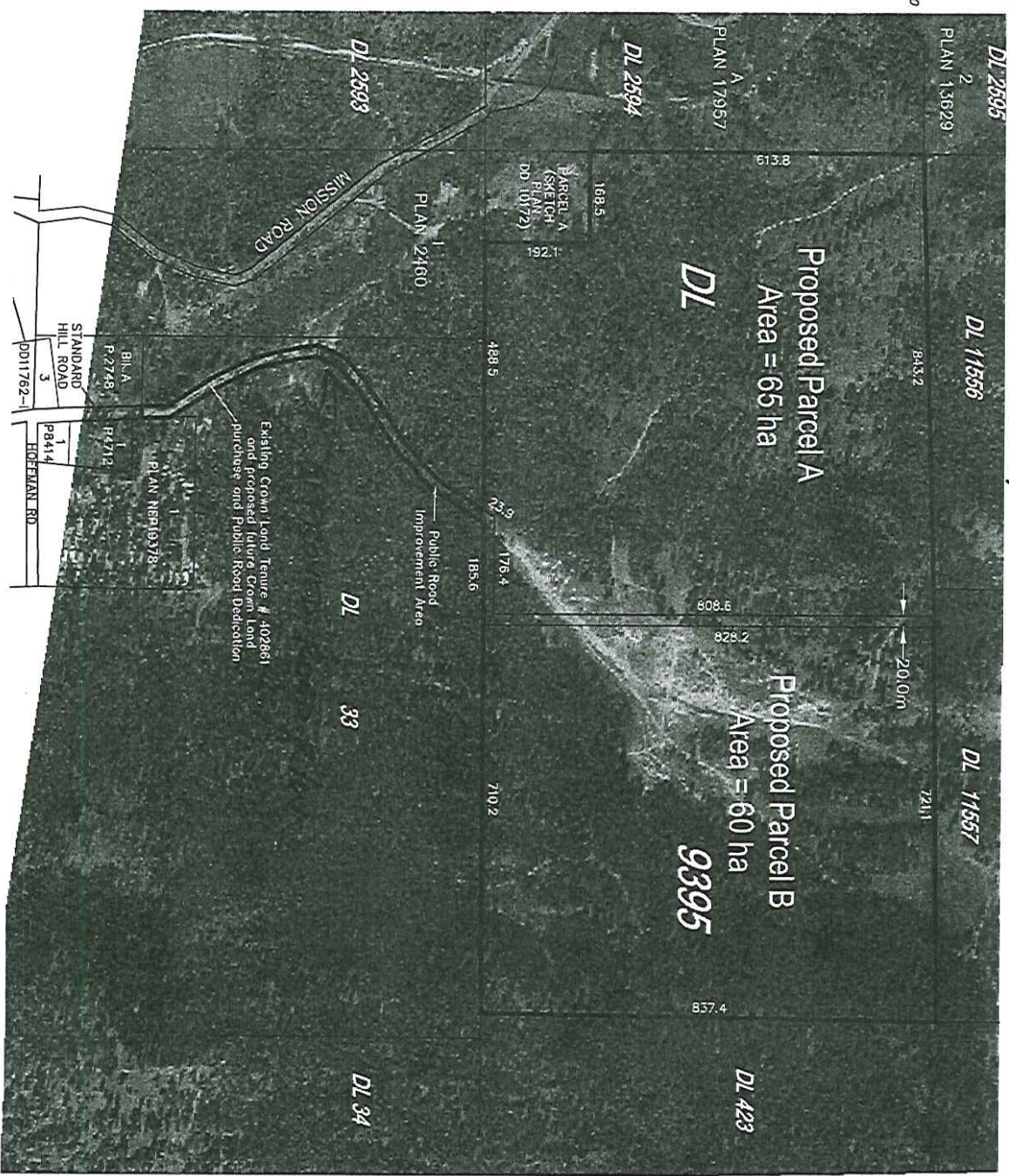
The intended plot size of this plan is 432mm in width by 280mm in height (B size) when plotted at a scale of 1:7500

All distances are in metres and decimals thereof unless otherwise noted.



This plan lies within the
Regional District of East Kootenay

FOCUS
FCS LAND SERVICES L.P.
ENGINEERING · PLANNING · GEOMATICS
CRANBROOK, B.C.
72850-PSUB-R1



*ALC APPLICATION # 51172
RESOLUTION # 2322/2010*

October 14, 2009