



Agricultural Land Commission
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April 6, 2010

Reply to the attention of Martin Collins
ALC File: 51589

Kevin and Marisa Munday
PO Box 477
Osoyoos, B.C.
V0H 1V0

Jordan and Janine Fraser
1585 Edstrom Road
Rock Creek, B.C.
V0H 1Y0

Dear Sir/Mesdams:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2309/2010 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: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Kootenay Boundary File: E-757-04073.100

MC/51589d1



A meeting was held by the Provincial Agricultural Land Commission on March 23th, 2010 at Cranbrook, B.C.

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

For Consideration

Application: 51589
Applicants: Kevin and Marisa Munday; Jordan and Janine Fraser
Proposal: To adjust the boundary between a 0.3 ha lot and an 8.7 ha lot to create a 1 ha lot and an 8 ha lot.
Legal: Lot A, DL 757, SDYD, Plan KAP63433;
Lot 1, DL 757, SDYD Plan KAP83795
Location: Rock Creek

Site Inspection

A site inspection was conducted on March 22, 2010. Those in attendance were:

- Roger Mayer Commissioner
- Kevin Munday Applicant

The applicant confirmed that the staff report dated March 1, 2010 was received and no errors were identified.

Roger Mayer provided a summary of the site inspection to Commissioners Minor and Thibeault, indicating that the land under application had good agricultural capability and that a portion of the larger property had been planted with grape vines.

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 unimproved agricultural capability of the soil of the subject property is 5M. The soil can be improved to class (2M)

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

The limiting subclass is soil moisture deficiency.

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 does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The expansion of the smaller residential lot at the expense of the larger agricultural property had the potential to erode the productive capacity of the larger lot. However, the Fraser's intend to use their 1 ha parcel for intensive agricultural production. As such the Commission believes the proposal would not affect the existing or potential agricultural use of 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 boundary reconfiguration proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner B. Minor

THAT the application to enlarge the 0.3 ha property to 1 ha be allowed

AND THAT the approval is subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application

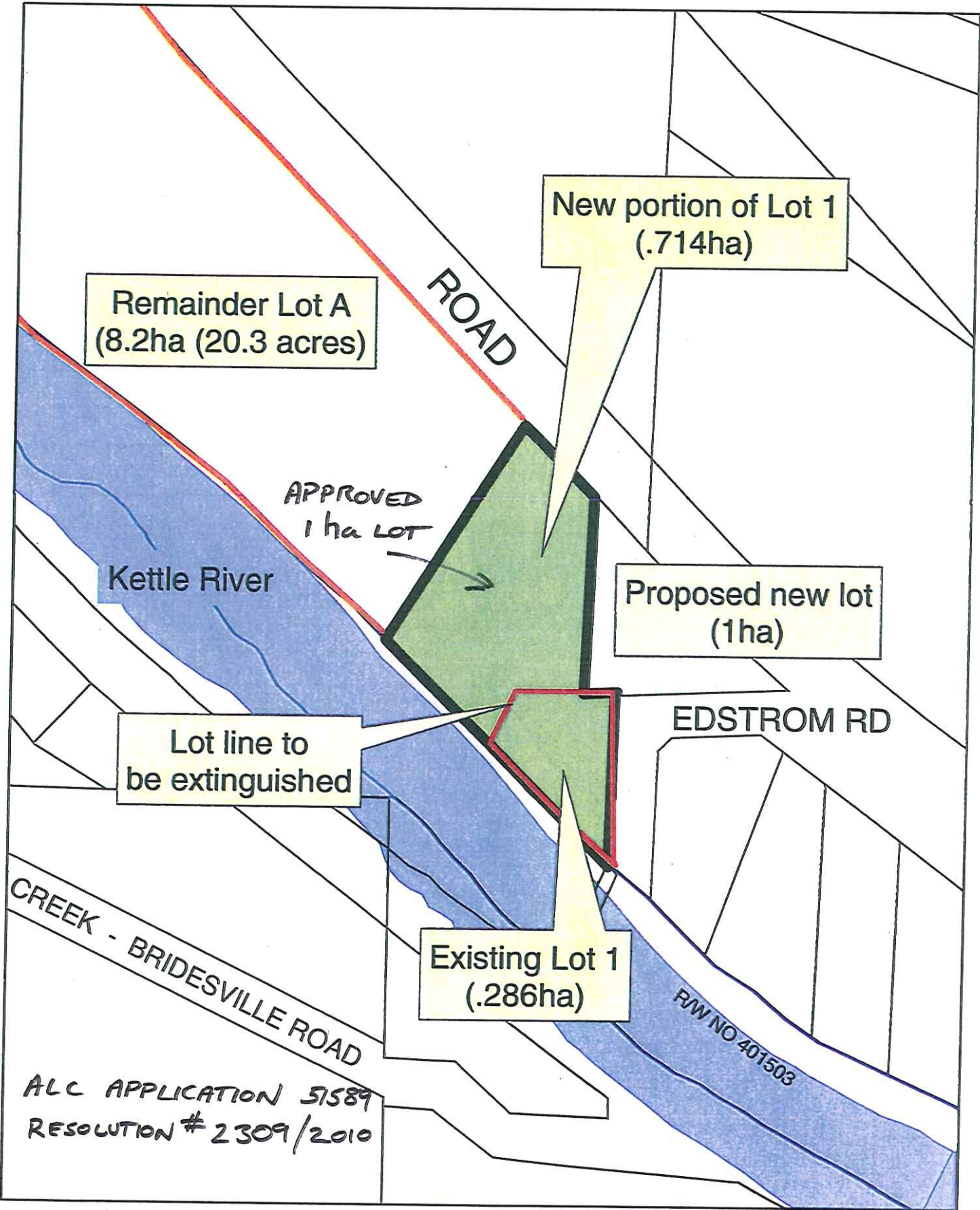
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 2309/2010



Proposed Subdivision Map



ALC APPLICATION 51589
RESOLUTION # 2309/2010