



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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December 1, 2010

Reply to the attention of Ron Wallace  
ALC File: 51903

Regional District of East Kootenay  
19-24<sup>th</sup> Avenue South  
Cranbrook, BC  
V1C 3H8

Attention: Jean Terpsma, Planning Technician

**Re: Application for Non-farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2780/2010 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: Province of BC, c/o ILMB

RW/  
/51903d1



A meeting was held by the Provincial Agricultural Land Commission on October 27, 2010 at Cranbrook.

<b>PRESENT:</b>	Richard Bullock	Chair
	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Brian Underhill	Staff
	Ron Wallace	Staff

**For Consideration**

Application: 51903  
 Applicant: Province of BC  
 Agent: Regional District of East Kootenay  
 Proposal: A water treatment facility which includes a building, underground waterlines and water intake lines. The system will provide community water service to the residential properties in Rushmore.  
 Legal: Part of Parcel B, DL 346, Kootenay District, Plan X-19 Except Plans 1459, 5332 and Right-of-Way Plan 1203; and un-surveyed Crown land being part of the bed of Lake Windermere  
 Location: Rushmere area

**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

- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

### Subclasses

- T topography
- F low fertility characteristics

### Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It was determined the area proposed for this development is no agricultural land and therefore has no impact on agriculture.

### Assessment of Community Need

The Commission recognized that the proposed facility will provide a needed service to the residential properties in Rushmore.

### Conclusions

1. That the proposal will not impact agriculture.
2. That the proposal is not inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### IT WAS

**MOVED BY:** Commissioner Thibeault

**SECONDED BY:** Commissioner Gillette

THAT the application for a water treatment facility be allowed as proposed subject to the following conditions:

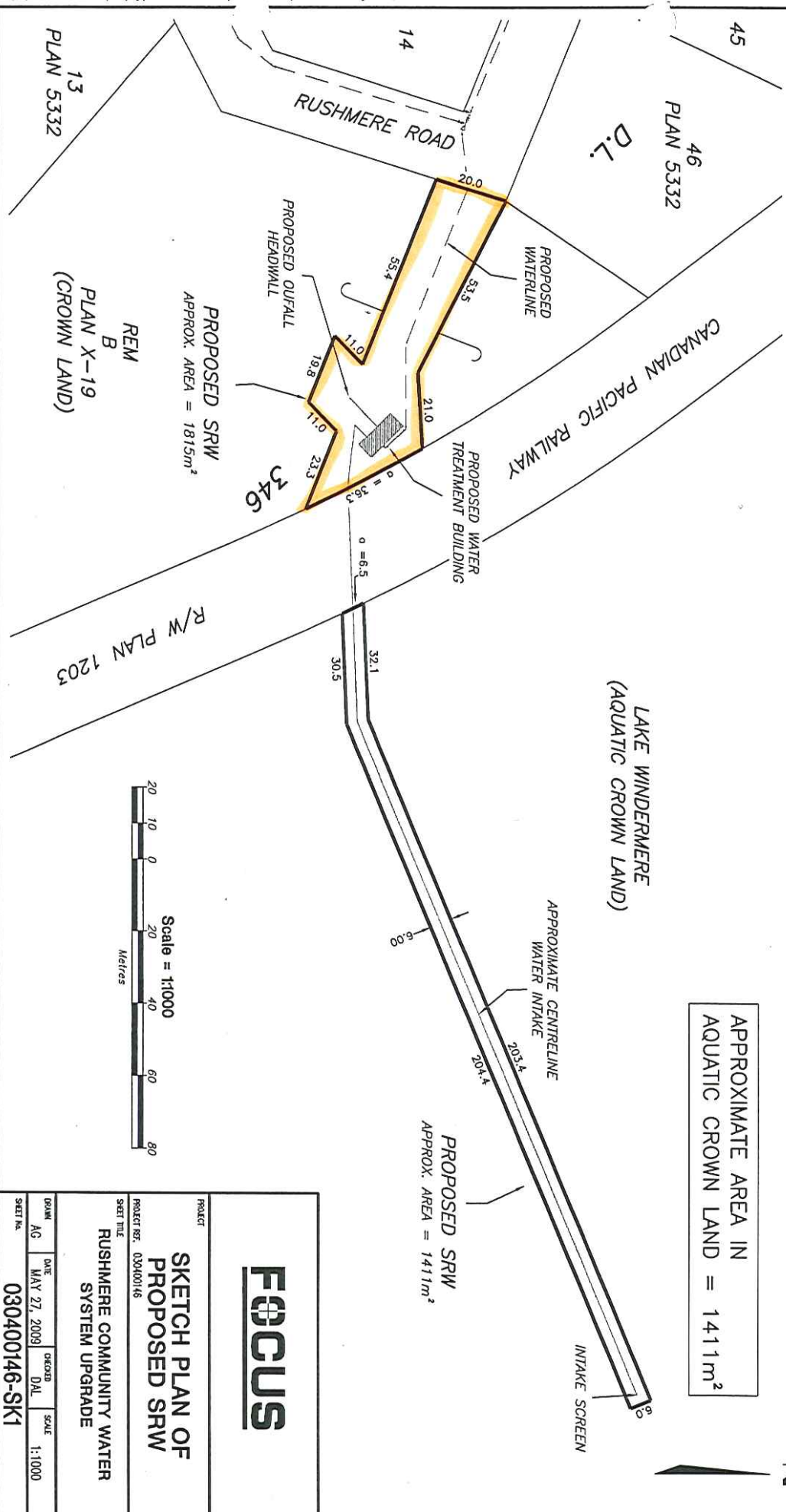
- The water treatment facility be in substantial compliance with the plan submitted with the application.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

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 # 2780/2010**

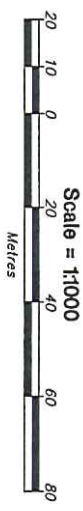
SKETCH PLAN OF PROPOSED STATUTORY RIGHT-OF-WAY OVER PART OF PARCEL B, PLAN X-19, EXCEPT PLANS 1459 AND 5332, RIGHT-OF-WAY PLAN 1203, DISTRICT LOT 346, AND OVER AQUATIC CROWN LAND, BEING PART OF THE BED OF LAKE WINDERMERE, ALL IN KOOTENAY DISTRICT



APPROXIMATE AREA IN AQUATIC CROWN LAND = 1411m<sup>2</sup>

PROPOSED SRW  
APPROX. AREA = 1411m<sup>2</sup>

PROPOSED SRW  
APPROX. AREA = 1815m<sup>2</sup>



REM  
PLAN X-19  
(CROWN LAND)

<b>FOCUS</b>			
PROJECT <b>SKETCH PLAN OF PROPOSED SRW</b>			
PROJECT REF: 030400146			
SHEET TITLE <b>RUSHMERE COMMUNITY WATER SYSTEM UPGRADE</b>			
DATE	DRAWN	SCALE	
MAY 27, 2009	AG	1:10000	
DATE	DESIGN	SCALE	
	DAL		
SHEET NO. <b>030400146-SK1</b>			

Provincial Agricultural Land Commission  
Application #51903  
Resolution #2780/2010  
Area approved for SRW in the ALR