



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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9<sup>th</sup> December 2010

Reply to the attention of Ron Wallace  
ALC File: 51968

Hango Land Surveys  
2429 – 9<sup>th</sup> Avenue  
Castlegar, BC  
V1N 2Z1

Dear Sirs:

**Re: Application for Subdivision in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2781/2010 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 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:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay (4035-20-A1021-Hs-22210.015)

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/51968d1



### **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 rated as Class 5 and 7 with soil moisture deficiency, adverse climate and topography limitations. Approximately 20% of the property has Class 3 improved ratings with climate limitations.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

### **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 that there are external factors that render the land unsuitable for agricultural use. However it noted that the subject property is within an area of generally smaller parcels most of which have limited agricultural potential. The Commission did not believe that the subdivision of the property, per se, into two parcels would have any impact on the agricultural potential of the subject property as a whole. However, it had a concern with regard to the proposed pan handle to accommodate a septic system, which it considered would have a detrimental impact on the functionality of the more easterly parcel. The Commission was hopeful that a better solution to the drainage issues could be found, perhaps by way of an easement over the eastern parcel, rather than by a pan handle.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land and considered that the subdivision of the property would not have any negative impact on 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 proposal will not impact agriculture if the proposed subdivision is amended as indicated.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land if amended as indicated.

### **IT WAS**

**MOVED BY:** Commissioner G. Gillette  
**SECONDED BY:** Commissioner B. Minor

THAT the application be approved in principle;

AND THAT the approval is subject to the following conditions:

- the subdivision being modified, subject to health requirements, to remove the pan handle and septic disposal area from the western subdivision and place the disposal area in the eastern subdivision with an easement, if necessary, to provide access to the disposal field for the western subdivision.
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
  - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 2781/2010**