



Agricultural Land Commission
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July 15, 2014

ALC File: #53373

John Novak
1138 Spruce Road, RR#1
Creston, BC V0B 1G1

Dear Mr. Novak:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #232/2014 as it relates to the above noted application.

By way of a copy of this letter, the Commission is advising the BC Land Title & Survey Authority of its order and confirming that the ALR notation is to be removed from Certificate of Title Number KW6024.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'L. Fry', is written over a large, stylized, cursive signature that is mostly illegible.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #232/2014

cc: Regional District of Central Kootenay (File: 4810-20-A1314B-06282.000)
BC Land Title and Survey Authority (Kamloops Office)
BC Assessment (Suite 200, 117 Cranbrook Street North, Cranbrook, BC V1C 3P8)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 29, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53373.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin Fry	Chief Tribunal Officer

PROPOSAL (Submitted pursuant to s. 30(1) of the *Agricultural Land Commission Act*)

To exclude the 3.3 ha subject property from the Agricultural Land Reserve (ALR).

PROPERTY INFORMATION:

Owner: John Novak

Legal: PID: 009-761-578
Lot 5, District Lot 9954, Kootenay District, Plan 1500

Location: 1138 Spruce Road, Creston

Size: 3.3 ha

SITE INSPECTION & EXCLUSION MEETING

A site inspection of the subject property and an exclusion meeting was conducted on May 12, 2104. Those in attendance included Commissioners Thibeault and Johnson and Mr. John Novak.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. Commissioner Thibeault gave a verbal summary of the site inspection to all Commission members recorded above.

Commissioner Thibeault discussed the topographical limitations (steep slopes) of the property. He also advised that the site inspection confirmed the agricultural capability mapping for the property which shows very marginal agricultural capability. Commissioner Thibeault indicated that the poor agricultural capability, in conjunction with the small size of the property, suggests the property has minimal suitability for agriculture.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. 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 improved agricultural capability ratings identified on CLI map sheet 82F/01 for the majority of the subject property is Class 6.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclass associated with this parcel of land is T (topographic limitations). The site inspection by Commissioners Thibeault and Johnson confirmed that the topographic limitations on the subject were severe, rendering the property unsuitable for agricultural purposes.

2. **Conclusion:** The subject property has poor agricultural capability. The slope and agricultural capability constraints, combined with the small size of the property, provide no agricultural rationale for retaining the property within the ALR.

IT WAS

MOVED BY: Commissioner Thibeault

SECONDED BY: Commissioner Miles

THAT the request for exclusion of the subject property be approved.

AND THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #232/2014