



Agricultural Land Commission
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May 24, 2007

Reply to the attention of Terra Kaethler
ALC File: # F-37013

Clayton Powell
2674 Highway 3A
Creston, BC V0B 1G6

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 215/2007 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

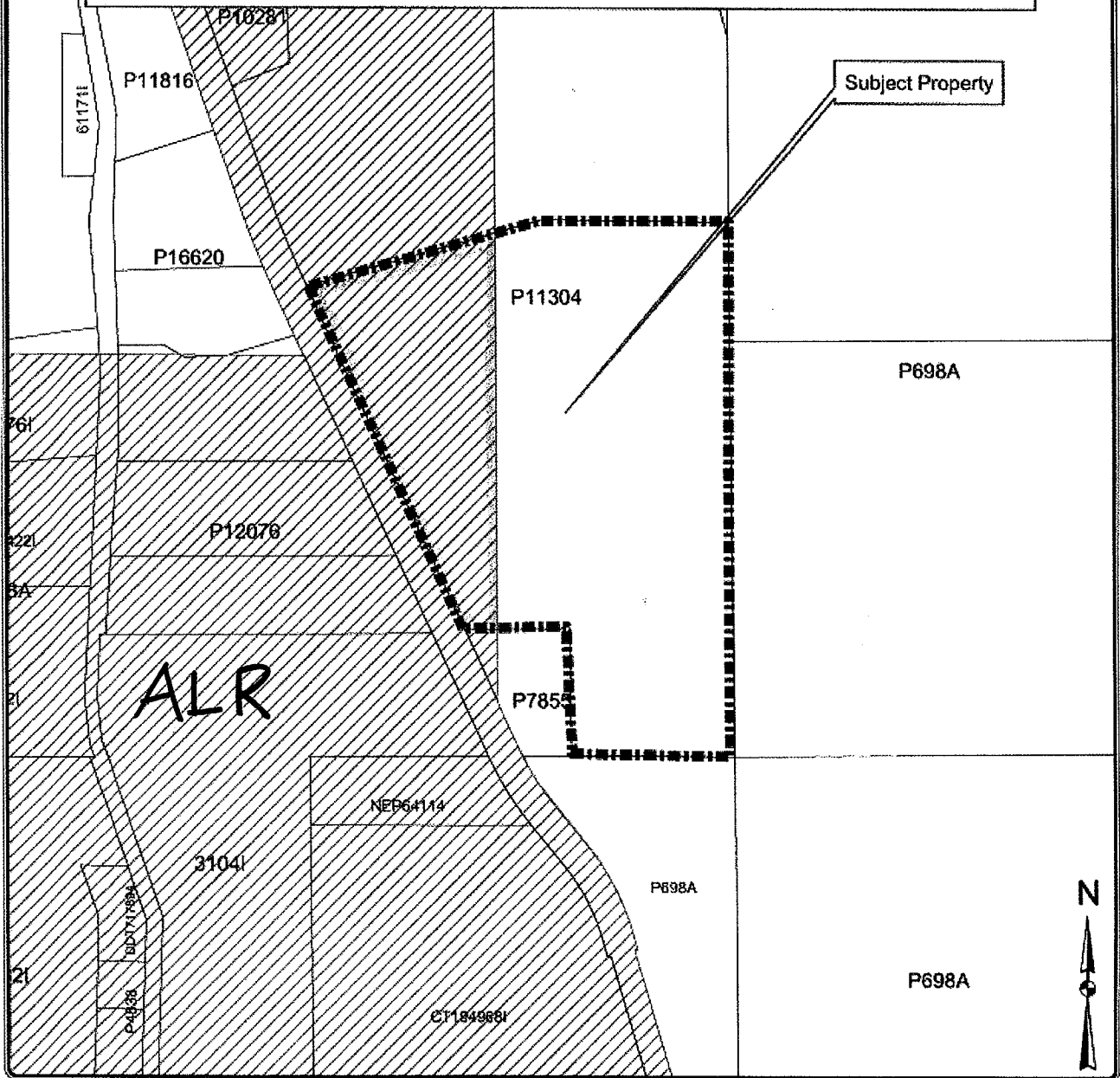
Erik Karlsen, Chair

cc: Regional District of Central Kootenay (#A0629C-03786-000)

Enclosure: Minutes/Sketch Plan

TK/lv
37013d1.

LOCATION/ALR MAP
4035-20-A0629C-03786.000
Powell



Provincial Agricultural Land Commission
Application # 37013
Resolution #215/2007



Subject Property



4.5 ha (approximate) portion of the subject property approved for exclusion from the ALR

Map Scale:



Map Projection: UTM Zone 11 Map Datum: NAD83
Date Plotted: 2005

Mapsheet:

82F018.1.4



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 3, 2007 in Nelson, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # F- 37013
Applicant: Loss Creek Logging Ltd.
Agent: Clayton Powell
Proposal: To exclude the ALR portion (+- 4.5 ha) of the 36.5 ha subject property from the ALR. The applicants wish to subdivide a 4 ha lot from the subject property.
Legal: PID: 012-724-629
Lot 4, District Lot 892, Kootenay District, Plan 11304
Location: 2240 Highway 3A, Creston

Site Inspection

A site inspection was conducted on May 3, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Clayton Powell Agent

Mr. Powell confirmed that the staff report dated December 12, 2006 was received and identified the following errors:

- The property is approximately 16 ha in size, not 36.5 ha as reported.
- The area in the ALR is approximately 4.5 ha, not 36.5 ha as reported.

The Commission walked the property and noted the rocky outcrops and steepness of the property.

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 ratings are on a scale of 1 to 7; (Class 1 – No or only very slight limitations that restrict its use for the production of common agricultural crops to Class 7 – Land in this class has no capability for arable or sustained natural grazing).

The subject property is identified as having improved agricultural capability ratings of Class 5 (20%) and Class 6 (80%), with limitations of stoniness, topography, and shallow soil/bedrock outcroppings.

At the site visit, the Commission noted significant rock outcroppings and topographical challenges of the property. The Commission determined that the property had extremely low agricultural capability.

Conclusions

That the land under application has limited agricultural capability and is not appropriately designated as ALR.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application be approved.

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 # 215/2007