

Agricultural Land Commission

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www.alc.gov.bc.ca

Reply to the attention of Terra Kaethler ALC File: F-37603

December 18, 2007

Ward Engineering & Land Surveying Ltd #1-609 Baker Street Nelson, BC V1L4J3

Dear Sir/Madam:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 464/2007 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.

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

Erik Karlsen, Chair

cc: Regional District of Central Kootenay (A0709A-05391-000)

Enclosure: Minutes/Sketch Plan

Sulette

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A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in Cranbrook, B.C.

PRESENT:

Monika Marshall

Chair, Kootenay Panel Commissioner

Carmen Purdy D. Grant Griffin

Commissioner

Terra Kaethler Roger Cheetham Staff Staff

For Consideration

Application:

F- 37603

Applicant:

Lionel and Irene Binette

Agent:

Ward Engineering & Land Surveying Ltd

Proposal:

To subdivide a 0.6 ha lot from the ALR portion of the 24.7 ha subject

property and exclude it from the ALR. The proposed new lot includes

the existing homesite.

Legal:

PID: 011-186-305

Parcel A (See 92777I), of Parcel 1 (See 9659I), District Lot 5021,

Kootenav District

Location:

16105 and 16107 Seymour Road

Site Inspection

A site inspection was conducted on October 29, 2007. Those in attendance were:

Monika Marshall

Chair, Kootenay Panel

Carmen Purdy

Commissioner

D. Grant Griffin

Commissioner

Terra Kaethler

Staff

· Lionel Binette and son Applicants

The Commission met with the applicants and viewed the area under proposal. It was noted that the area proposed for exclusion was currently used for the residence of the applicant's son. The remainder of the ALR portion of the property appeared to have high agricultural capability. The area outside the ALR was forested and sloped.

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 ALR portion of the subject property is identified as improvable to Class 3C:

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

C adverse climate

Due to the prime agricultural capability rating of the property, the Commission did not believe exclusion of the 0.6 ha portion of the property from the ALR was warranted.

Assessment of Impact on Agriculture

Although the Commission did not support the exclusion of the 0.6 ha area, it considered that subdivision of the 0.6 ha portion of the property would not impact existing or potential agricultural use of the property or surrounding lands. As such the Commission was prepared to allow a subdivision of the 0.6 ha portion of the property.

Conclusions

- 1. That the land under application has agricultural capability and is appropriately designated as ALR.
- 2. That subdivision as proposed will not impact agriculture.

IT WAS

MOVED BY: Commissioner Purdy SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed, but that a subdivision of 0.6 ha be approved.

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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED Resolution # 464/2007

