



**Agricultural Land Commission**  
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May 14, 2008

Reply to the attention of Jennifer Carson  
ALC File: H-37830

Mark Dascher  
Box 628  
Golden, BC V0A1H0

Dear Mr. Dascher:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 241/2008 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

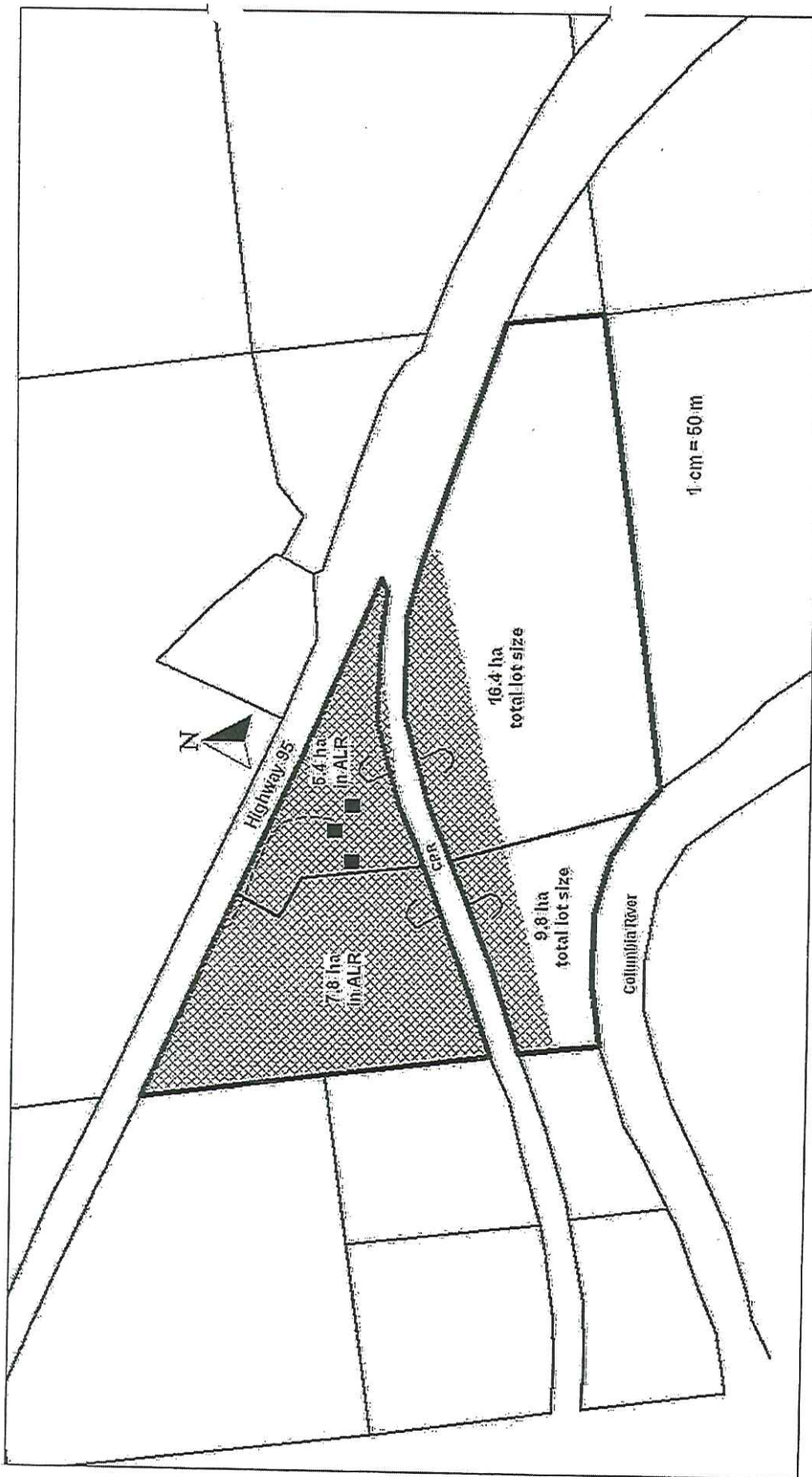
Per:

  
Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2373-A)

Enclosure: Minutes/Sketch Plan

JC/37830d1





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on May 6, 2008 in Invermere, B.C.**

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Jennifer Carson	Staff

**For Consideration**

Application: # H- 37830  
 Applicant: Mark Dascher  
 Agent: Headwaters Development Consulting  
 Proposal: To subdivide the 26.2 ha parcel into two (2) parcels of 9.8 ha and 16.4 ha.  
 Legal: PID: 016-526-830  
 Parcel A (See128018I), Northwest Quarter, Section 19, Township 25, Range 20, West of the 5th Meridian, Kootenay District, Except Part included in Plan NEP20594  
 Location: 2146 Highway 95

**Site Inspection**

A site inspection was conducted on May 6, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith Regional Agrolgist
- Mark Dascher Applicant
- Dee Wolf Applicant

The Commission met with the applicants to discuss the proposed subdivision and view the subject property. It was explained by Mr. Dascher that there was a no build covenant on the majority of the property due to provincial mapping of historical flood plains. The existing house on the property is within the floodplain, and as a result the applicants mentioned that it was difficult to insure. The applicants indicated that they would like to build a new house on the hill and have an organic farm on the remainder of the proposed parcel. The Commission noted that the majority of the good agricultural land within the existing property would remain in one parcel. The applicants also indicated a desire to have a portion of the hill (not within the no-build covenant) left with the remainder of the property so that the future owners could build there as well. The applicants also mentioned that a large portion of the property is seasonally flooded.

**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 4 – Land in this class has limitations that require special management practices or severely 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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

#### Subclasses

P	stoniness	F	low fertility characteristics
I	inundation (flooding by streams, etc.)	W	excess water

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. However, the Commission noted that a majority of the property which is south of the railway tracks is seasonally under water which would make it quite difficult if not impossible to farm.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that the best agricultural land will be retained in the western parcel, leaving the eastern proposed parcel with very little agricultural potential. The Commission does not believe the proposal would impact 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 a portion of the land under application is suitable for agricultural use.
3. That the proposal will not adversely impact agriculture.

**IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Purdy

THAT the application be allowed.

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 # 241/2008**