



Agricultural Land Commission
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April 15, 2008

Reply to the attention of Jennifer Carson
ALC File: Q-37870

Michael Price
5220 Almond Gardens Road
Grand Forks, BC V0H1H4

Dear Mr. Price:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 133/2008 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

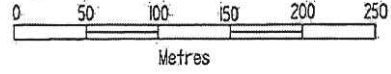
Per: 

Erik Karlsen, Chair

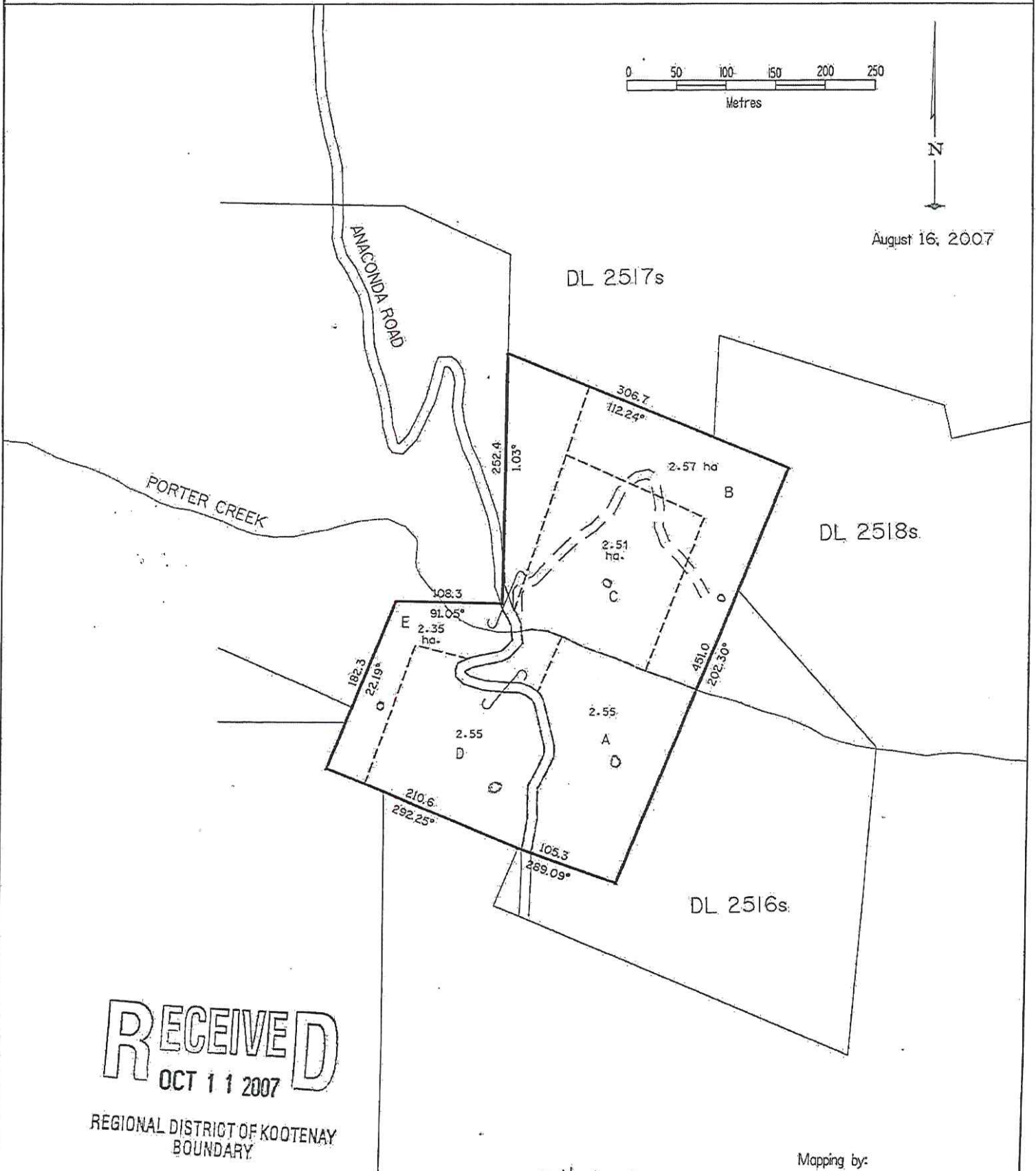
cc: Regional District of Kootenay-Boundary (E-2515s-06626-000)

Enclosure: Minutes/Sketch Plan

Proposed subdivision of D.L. 2515s S.D.Y.D



August 16, 2007



RECEIVED
OCT 11 2007

REGIONAL DISTRICT OF KOOTENAY
BOUNDARY

○ Houses

Mapping by:
Boundary Mapping and Design
Grand Forks BC



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 25, 2008 in Grand Forks, B.C.

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

For Consideration

Application: # Q- 37870
Applicant: Michael Price
Proposal: To subdivide the 12.9 ha subject property to create five separate lots one of 2.4 ha, one (1) of 2.5 ha and three (3) of 2.6 ha. There are five (5) existing dwellings on the subject property.
Legal: PID: 004-862-422
 District Lot 2515S, Similkameen Division of Yale District
Location: Anaconda Road, south of Greenwood

Site Inspection

A site inspection was conducted on March 25, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Roger Cheetham Staff
- Jennifer Carson Staff
- Michael Price Applicant

The Commission met with one of the applicants, Mr. Price, on the subject property to discuss the application. Mr. Price confirmed that the staff report dated January, 2008 was received and no errors were identified. Mr. Price addressed the question brought up in the staff report regarding the reason for there being five dwellings on the property. Mr. Price explained that in 1978 when the property was purchased by five people, the notary public indicated that if they were to register their ownership as having undivided interests, they would be permitted more than one dwelling. There had been building permits for all of the dwellings on the property, but there was never an application to the Commission. It was explained to Mr. Price that the Commission required a non farm use application for additional buildings on a property within the ALR, except where permitted under the Commission's Act or Regulations. While onsite, the Commissioners noted that the property is situated on a steep hill, and while there are some flat areas dispersed around the steep hill, the majority of the property has severe topographical limitations when it comes to agricultural capability. With regards to water, Mr. Price also indicated that the owners hold a water lease on Porter Creek to draw 500 gallons per minute which more than accommodates domestic requirements. Discussing the very limited agricultural capability of the subject property, Mr. Price mentioned that in his discussions with the local government and ALC staff, he felt that a subdivision would better accommodate the needs of the current owners of the property as it would maintain a desirable agricultural basis for the properties.

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
- R shallow soil / bedrock outcroppings
- T topography

At the site visit, the Commission confirmed that the property was extremely limited in agricultural capability due to the topographical conditions.

Assessment of Other Factors

The Commissioners discussed the proposal and believe that, due to the severely limited agricultural capability of the subject property it had been inappropriately designated as ALR and would recommend an exclusion application. Furthermore, the Commission noted that the property combined with a few adjacent properties to the east, make up an isolated portion of ALR.

Conclusion

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

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

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 # 133/2008