



**Agricultural Land Commission**  
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June 27, 2008

Reply to the attention of Jennifer Carson  
ALC File: Q-37985

Harry & Valerie Mitchell  
PO Box 81 - 6075 Highway3  
Bridesville, BC V0H1B0

Dear Mr. and Mrs. Mitchell:

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

Please find attached the Minutes of Resolution # 309/2008 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. It will also confirm for the Registrar the area included into the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of Kootenay-Boundary (E-3342-07151-050)

Enclosure: Minutes

JC/37985d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on June 2, 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- 37985  
Applicant:         Harry & Valerie Mitchell  
Proposal:          To subdivide the 19.8 ha subject property in order to create six (6)  
                      lots ranging in size from 2.2 ha to 3.7 ha.  
Legal:             PID: 024-828-106  
                      Lot 2, District Lot 3342, Similkameen Division of Yale District, Plan  
                      KAP67123  
Location:         Highway 3, 3km West of Bridesville, Area "E"

### **Site Inspection**

A site inspection was conducted on June 2, 2008. Those in attendance were:

- Monika Marshall             Chair, Kootenay Panel
- Carmen Purdy                Commissioner
- D. Grant Griffin             Commissioner
- Jennifer Carson             Staff
- Harry & Valerie Mitchell   Applicants

The Commission met with the applicants at the subject property to discuss the application. The applicants pointed out that the ALR boundary is a long thin triangular polygon along the highway. The Commission noticed a pit that had been dug for a percolation test and noticed dark rich topsoil of considerable depth on the property. It appeared that this type of soil extended beyond the ALR boundary to the base of the hill on the property. The applicants indicated that they had an artesian well on the property that flowed at 2 gallons per minute without being pumped and that the previous owners had three bulls which grazed on the property. The applicants also mentioned that the Ministry of Transportation had been contacted and were agreeable to allowing them access to the property as proposed and would be amenable to allowing them to move the access further east down 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 improved ratings for the agricultural capability of the soil of the subject property are

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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
E	erosion
T	topography

The Commissioners discussed the good agricultural capability of part of the property as was witnessed within the soil pit that was dug and viewed on the property. The Commission also discussed the property's access to a substantial amount of water from the artesian well. As a result the Commission discussed the possibility of moving the access road as far to the east as possible and placing the remainder of the level portion of the property by the road, up to the base of the hill into the ALR as it had very good agricultural capability. This would effectively move the ALR boundary to encompass the two proposed southern lots along the highway.

### **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.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The discussion suggested the possibility of including the remainder of the polygon of good soil capability. As a result, the Commission believes that the inclusion of suitable land into the ALR would have a positive impact upon the existing or potential agricultural use of surrounding lands. Further, the Commission believed that the agricultural potential could be enhanced by having the artesian well provide irrigation water to both of the proposed southern lots.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the inclusion of valuable agricultural land into the ALR will have a positive impact agriculture.
4. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Marshall

**SECONDED BY:** Commissioner Griffin

THAT the application be refused as proposed.

AND THAT an alternative subdivision be allowed subject to the following conditions:

- the access road be moved as far east down the property as possible and that the south western parcel be made as large as possible in order to retain the majority of the property with good agricultural capability
- the inclusion of the remaining portion of the property to the base of the hill
- the preparation of a plan depicting contour lines and delineating a proposed subdivision and proposed ALR boundary located at the base of the hill
- 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 # 309/2008**