



Agricultural Land Commission
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May 14, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38043

David and June Lymburner
RR2 - 4950 Stoddart Creek Road
Invermere, BC V0A1K2

Dear Mr. and Mrs. Lymburner:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 240/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-707-601)

Enclosure: Minutes

JC/37043d1



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.

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

For Consideration

Application: # L- 38043
Applicant: David and June Lymburner
Proposal: To subdivide the 2.1 ha subject property to create two (2) lots of approximately 1.0 ha and 1.1 ha.
Legal: PID: 009-034-994
Location: Lot 5, District Lot 288, Kootenay District, Plan 15932
4950 Stoddart Creek Road, Invermere

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 District Agrolgist, Ministry of Agriculture and Lands
- David and June Lymburner Applicants

The Commission met with Mr. and Mrs. Lymburner to discuss the application and view the subject property. The applicants explained that the proposal is to split the existing buildings on the property because the existing house is too large for them and they would like to build a suite within and overtop of the existing woodworking shop on the property. The applicants mentioned that the building now encompassing the workshop was initially built for breeding cats and dogs. The existing building on the property was the main impetus for the applicants to purchase the property as they wanted a shop. The applicants mentioned that the creek runs all year and that their garden produces well, indicating that as it exists the property does have agricultural possibilities for the future. The applicants also indicated that they would be using solar and geothermal methods for harnessing alternative energy.

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 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

T topography

During the site visit it became apparent that the property was rated incorrectly. While it showed the property had topographical limitations it turned out to be relatively flat and appeared to have agricultural potential. Furthermore, as the property has water, agricultural activity could be carried out on the subject property.

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. As the property has relatively good agricultural capability, maintaining the property in as large a parcel as possible is preferred by the Commission. The Commission believes the proposal would adversely impact potential agricultural use of the subject property and surrounding lands.

Other Considerations

The minimum lot size for the area is 2.0 ha which is the current size of the property.

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 proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Purdy

THAT the application be refused.

CARRIED

Resolution # 240/2008