



Agricultural Land Commission
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July 10, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38101

Paul-Emile and Francoise Senecal
RR1 - Site 4, E6 - 8234 Highway 3/93
Wardner, BC V0B2J0

Dear Mr. and Mrs. Senecal:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 327/2008 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: 

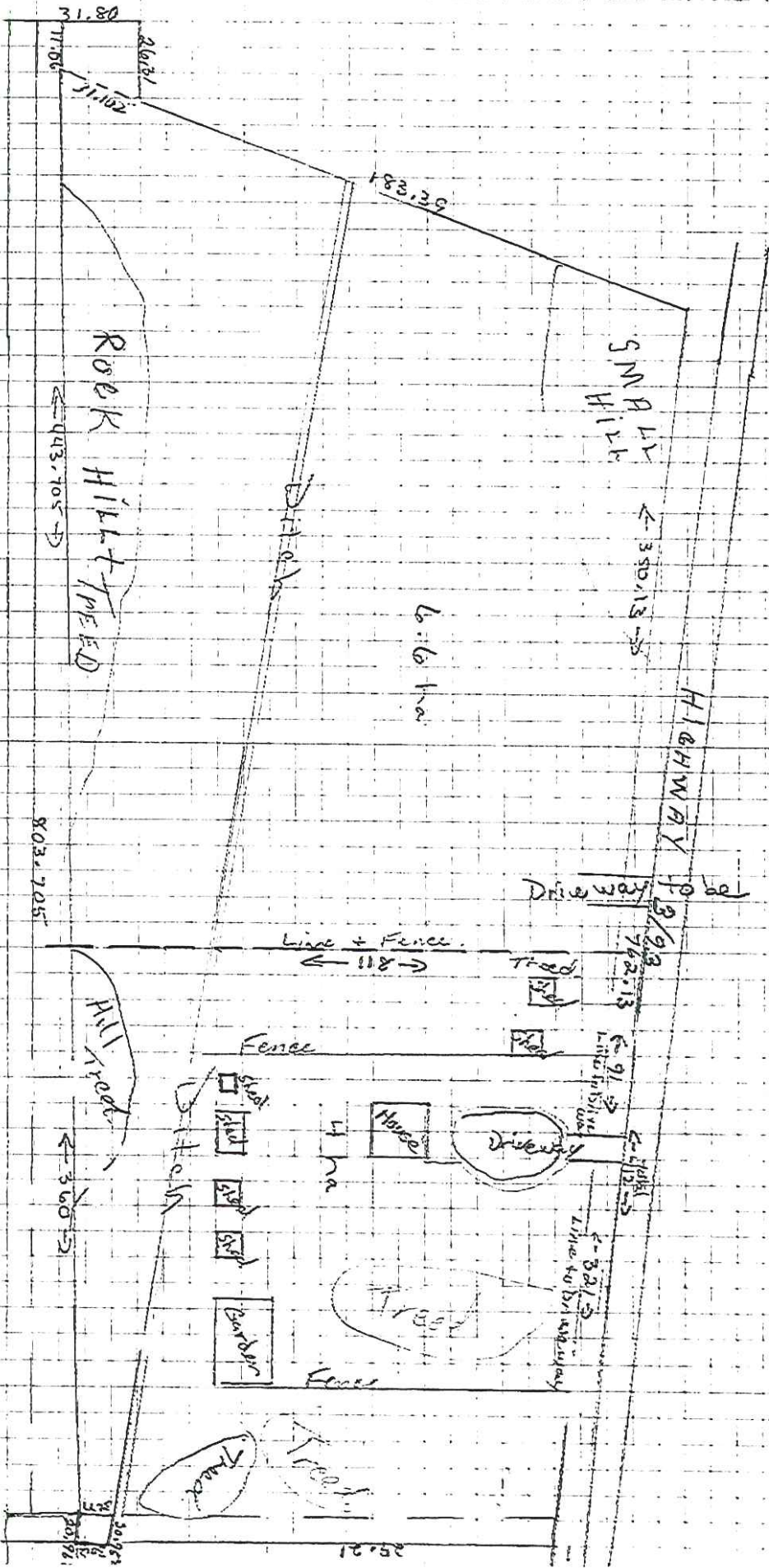
Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-708-302)

Enclosure: Minutes/Sketch Plan

JC/38101d1

Kootenay District Lot 1 Plan 15740 DL 331 RID 009-834-019





MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 4, 2008 in Cranbrook, B.C.

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

For Consideration

Application: # L- 38101
Applicant: Paul-Emile and Francoise Senecal
Proposal: To subdivide the 10.6 ha subject property to create one (1) 4.0 ha residential lot and a 6.6 ha remainder.
Legal: PID: 009-834-079
 Lot 1, District Lot 331, Kootenay District, Plan 15440
Location: 8234 Highway 3/93 Mayook area

Site Inspection

A site inspection was conducted on June 4, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith Ministry of Agriculture and Lands District Agrologist
- Paul-Emile Senecal Applicant
- Francoise Senecal Applicant
- Bobby Senecal Applicants' son

The Commission met with Mr. and Mrs. Senecal and their son at the subject property to discuss the application. The applicants explained that nobody would cut the grass on their property due to the excess moisture and mentioned that the previous owner had three horses on the property. The applicants also mentioned that they are proposing the subdivision as they plan to retire. Furthermore, Mr. and Mrs. Senecal explained that they knew that the property was in the ALR when they bought it and the significance of this was explained to them.

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 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.

Subclasses

M	soil moisture deficiency	P	stoniness
R	shallow soil / bedrock outcroppings	T	topography
W	excess water		

The Commission noted that a portion of the property was very wet and, upon looking at the proposed subdivision, it believed that the area with the most agricultural potential would be kept within one parcel.

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 discussed the fact that there were many other small holdings in the area. As a result of this fact as well as the unique circumstances of the subject property, the Commission does not believe the proposal would adversely impact existing or potential agricultural use of surrounding lands.

Conclusion

That the proposal will not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Griffin

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 # 327/2008