



Agricultural Land Commission
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October 20, 2008

Reply to the attention of Jennifer Carson
ALC File: L-38479

Wayne Castellarin
3988 Galloway Frontage Road
Elko, BC V0B1J0

Dear Mr. Castellarin:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 626/2008 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

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (P708-224)

JC/
i/38479d1



A meeting was held by the Provincial Agricultural Land Commission on September 29, 2008 in Cranbrook, B.C.

PRESENT: Roger Mayer Commissioner
Carmen Purdy Commissioner
D. Grant Griffin Commissioner
Jennifer Carson Staff

For Consideration

Application: # L- 38479
Applicant: Wayne Castellarin
Proposal: To subdivide the 8.1 ha subject property to create one (1) 1.2 ha residential lot and a 6.9 ha remainder.
Legal: PID: 012-896-110
Lot 5, District Lot 6358, Kootenay District, Plan 10747
Location: 3988 Galloway Frontage Road, Elko

Site Inspection

A site inspection was conducted on September 29, 2008. Those in attendance were:

- Roger Mayer Commissioner
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith District Agrologist with Ministry of Agriculture and Lands
- Jim Poch Son in law of applicant

The Commission met with the applicant's son in law on the subject property to discuss the application. He explained that there have been other subdivisions in the area recently allowed by the Commission. Furthermore Mr. Poch explained that there are currently two wells on the current property and the subdivision was arranged such that each proposed property would be serviced by one well. Mr. Poch requested clarification on the portion of the staff report that discussed previous applications and it was discovered that one of the applications (#35354) discussed here was actually for an adjacent property not the subject 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 agricultural capability of the soil of the subject property is improvable to 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.

Subclasses

M	soil moisture deficiency	P	stoniness
T	topography		

While on the property the Commission noted the stoniness and topographical limitations of the property.

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 noted the existing parcelization in the area already and believes that the proposed subdivision would not adversely impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has minimal agricultural capability.
2. 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:

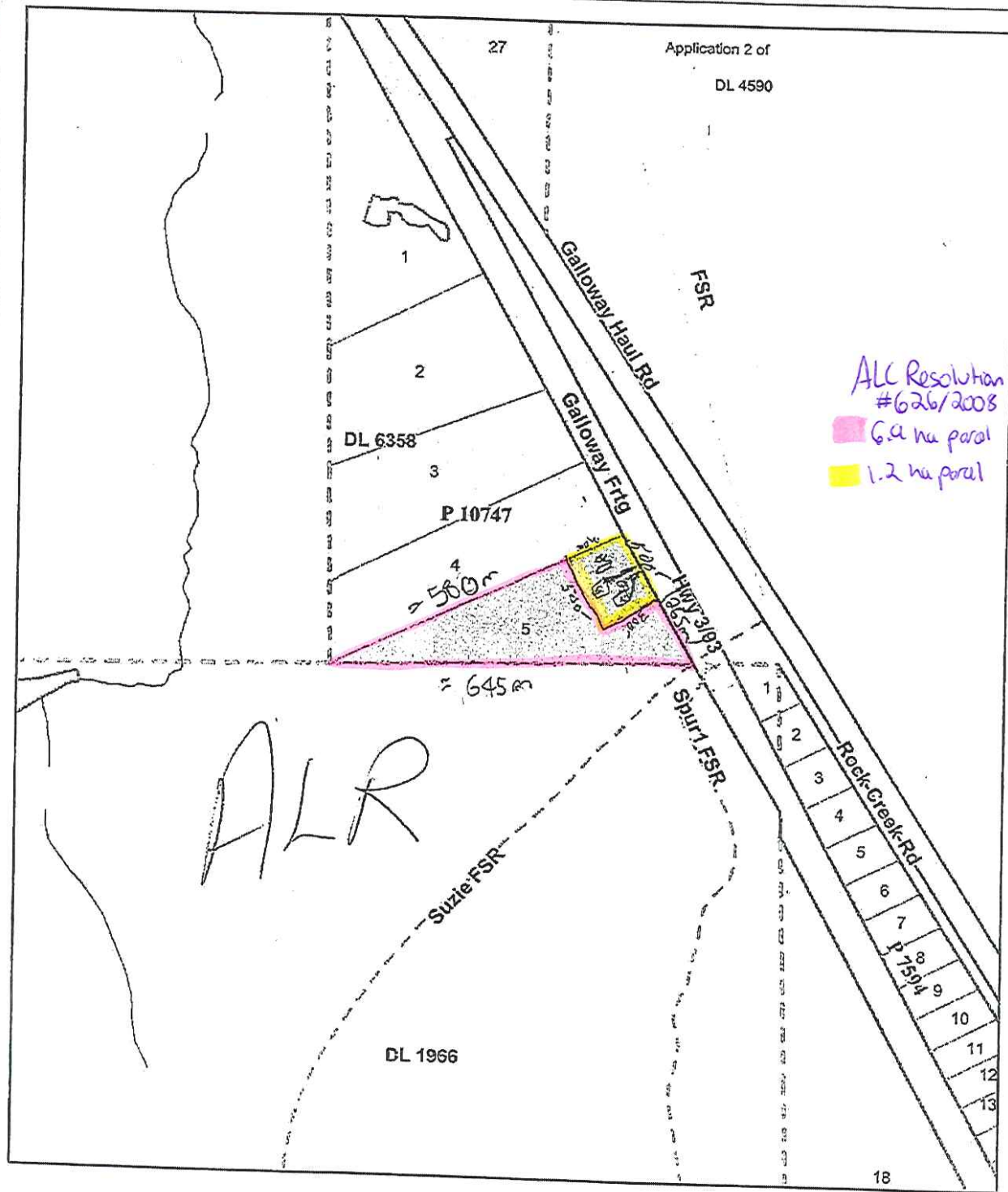
- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 626/2008

Regional District of East Kootenay



0 175 350 m.

Map center: 631124, 5466705



Scale: 1:10,000

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.