



Agricultural Land Commission
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May 21, 2009

Reply to the attention of Roger Cheetham
ALC File: **L-38239**

Markus and Michelle Liebe
6179 Lower Elk Valley Road
Sparwood, BC V0B2G3

Dear Mr. and Mrs. Liebe:

Re: Application to subdivide land in the Agricultural Land Reserve

Further to the Commission's letter dated 28th July 2008 the Commission has now had an opportunity to review the application in the light of the Regional District's Elk Valley Boundary Review Project. Please find attached the Minutes of Resolution # 145/2009 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

cc: Regional District of East Kootenay (PP708-105)

rc/
i/38239d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 29, 2009 in Cranbrook, B.C.

PRESENT:	Erik Karlsen	ALC Chair
	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff

ABSENT:

For Consideration

Application: # L- 38239
Applicant: Markus and Michelle Liebe
Proposal: To subdivide the 26.8 ha subject property to create parcels of approximately 12.2 ha and 14.6 ha.
Legal: PID: 018-852-483
Location: Lot 1, District Lot 4131, Kootenay District, Plan NEP21453
6179 Lower Elk Valley Road, North of Sparwood

Site Inspection

A site inspection was conducted on 29th April 2009. Those in attendance were:

- Erik Karlsen ALC Chair
- Barry Minor Chair, Kootenay Panel
- Carmen Purdy Commissioner
- Jerry Thibeault Commissioner
- Roger Cheetham Staff
- Darrell Smith Regional Agrologist, Ministry of Agriculture and Lands
- Markus Liebe Applicant

The Commission noted that as revealed in its earlier site inspection on 8th July 2009 the property has significant agricultural limitations with low agricultural capability and topographic challenges. The property is not at present farmed. The Commission also noted that land to the east, in particular, was being used for agricultural purposes

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 partially Class 4 with soil moisture limitations and partially Class 5.

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.

Overall, having regard also to the site inspection, the Commission was of the opinion that the property has limited agricultural capability.

Assessment of Agricultural Suitability

The Commission assessed whether 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 Commission noted that some of the surrounding properties are being used for agriculture, in particular the properties to the east. However it does not believe that the proposal would impact these existing or potential agricultural uses of surrounding lands.

Assessment of Other Factors

The Commission noted that the Board supported the application and that it was consistent with the Elk Valley Land Use Strategy. The Commission also noted that the Elk Valley ALR review project does not make any recommendations with regard to this area. The Commission originally deferred its decision when the application was first reviewed in July 2008 pending clarification with regard to the study recommendations relating to this area.

Conclusions

1. That the land under application has limited agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will not 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 C. Purdy

SECONDED BY: Commissioner B. Minor

THAT the application be approved.

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 # 145/2009