



Agricultural Land Commission
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May 21, 2009

Reply to the attention of Roger Cheetham
ALC File: **L-38478**

John Zimmer
45 - 8th Avenue S.
Cranbrook, BC V1C2K4

Dear Sir:

Re: Application Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 122/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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:

A handwritten signature in black ink, appearing to read 'E. Karlsen', is written over the printed name.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P708-110)
Donald and Karen Cook, 5329 Lower Elk Valley Road, Sparwood, BC V0B2G3

RC/
i/38478d1

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

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 rated as Class 4 with cumulative and minor adverse limitations. However the inspection of the property suggested that the property has a somewhat lower rating, possibly Class 5 with stoniness and topographical limitations.

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.

The Commission concluded that taking the site inspection into account that the agricultural capability of the property was low.

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 noted that the land to the north and east was being used for conservation purposes and the property to the west for limited agricultural uses. It was not located in an area where any significant residential development has taken place. Accordingly the Commission did not believe that 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. Having regard to the limited agricultural potential of the property and adjoining areas the Commission did not consider that the proposed two subdivisions would have any impact on existing or potential agricultural use of surrounding lands.

Conclusions

The Commission was of the view that the land under application has limited agricultural capability. It noted that the proposed subdivisions are compatible with the Elk Valley Land Use Strategy and that the Regional Board supported the application. It concluded that the proposal will not have any impact on agriculture and that it is not inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Erik Karlsen
SECONDED BY: Commissioner Jerry Thibeault

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 # 122/2009