



Agricultural Land Commission
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May 20, 2009

Reply to the attention of Roger Cheetham
ALC File: **L-38551**

Joal Borggard, P.Eng
PO Box 327
Fernie, BC V0B1M0

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 155/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients 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 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P-708-223)

rc/
i/38551d1

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 70% Class 6 and 30% Class 7 with topographic limitations.

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

Having regard to these limitations the Commission was of the view that the property has marginal agricultural capability. It also noted that according to the application it has not been previously used for agriculture.

Assessment of Agricultural Suitability

The Commission noted that the property comprises a bank and is physically separated from flatter land with higher agricultural capability to the west and east. Hence it did not consider that there were any external factors such as encroaching non-farm development that have caused or will cause the land to become unsuitable for agriculture. It also considered that the property by reason of its low agricultural capability and steep slope is not typical of others in this area. Hence the proposal, if considered for approval, would not cause increased expectations for subdivision on other land in the area. In any event the Commission noted that the proposed subdivisions are similar in size to existing parcels to the east in Baynes Lake.

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 did not believe that the proposed subdivision of the property would impact existing or potential agricultural use of the property and the surrounding lands.

Assessment of Other Factors

The Commission noted that the Board supports the application, the Advisory Planning Commission accepted the application subject to road access off Kerr Road, and the Agricultural Advisory Commission accepted the application.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the land under application has marginal suitability 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 E. Karlsen
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 #155/2009