



Agricultural Land Commission
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May 25, 2009

Reply to the attention of Roger Cheetham
ALC File: L-38728

Brian Schmidt
Box 1267
Fernie, BC V0B1M0

Dear Sir:

Re: Application To Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #152/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client 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', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P 708 232)

RC/
i/38728d1

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 portion of the property west of Highway 93 is rated as Class 4 improvable to Class 3 with soil moisture deficiency.

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

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 did not believe there are external factors that render the land unsuitable for agricultural use but it noted that the portions of the property west and east of Highway 93 are physically distinct.

Assessment of Impact on Agriculture

The Commission considered whether or not there would be greater benefits for agriculture should a subdivision occur along the ALR boundary bearing in mind the bulk of the proposed subdivision is outside the ALR. The Commission concluded that there would be no advantage to agriculture from limiting the subdivision to the portion outside the reserve and that the long term goal of preserving agricultural land would not be affected should it approve the proposed subdivision.

Other Considerations

The Commission noted that the Regional Board supported the application and the Advisory Planning Commission and the Agricultural Advisory Commission both accepted the application.

Conclusions

1. That the land under application has 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 E. Karlsen

SECONDED BY: Commissioner C. Purdy

THAT the application be

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 # 152/2009