



Agricultural Land Commission
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November 24, 2009

Reply to the attention of Martin Collins
ALC File: 38738 (45680)

Rodney J. Irwin
5269 Sutherland Road
Peachland, B.C.
V0H 1X2

Dear Sir:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1466/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary, please contact the local government.

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 Central Kootenay (File: 4035-20-A0836HS-21866.020)

MC/i/38738(45680)d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 17, 2009 at Rossland, B.C.

PRESENT:	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Martin Collins	ALC Staff

For Consideration

Application: 38738 (45680)
Applicant: Rodney J. Irwin
Proposal: To subdivide the 3 ha property into two 1.5 ha lots for the applicant's sons
Legal: PID 007 908 270 Lot 12, DL 6897, KD, Plan 1572, Except Plans NEP19175 and NEP20402
Location: Passmore, north of Nelson on the Slocan River

Site Visit

The Commissioners and staff noted above viewed the property on November 16th, 2009. The applicant did not attend the site visit. The property is forested and there is no agricultural activity in the surrounding area. The surrounding properties are all a similar size (3 ha).

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 and Suitability

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.

The unimproved agricultural capability of the soil of the subject property is;

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

The limiting subclasses are stoniness, and seasonal moisture deficiency.

The improved agricultural ratings are:

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

The property could be cleared and used for agriculture (if irrigated). However, the potential for agricultural development is limited primarily by the parcel's size, not by the land's soil capability.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the subdivision proposal against the long term goal of preserving agricultural land. The Commission believed that the land had very limited agricultural potential and that subdivision would not substantively affect the land's agricultural potential.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the subdivision proposal would not substantively affect agriculture.

IT WAS

MOVED BY: Commissioner B. Minor

SECONDED BY: Commissioner C. Purdy

THAT the application to subdivide the 3 ha property into two 1.5 ha lots be allowed.

AND THAT the approval is subject to the following conditions

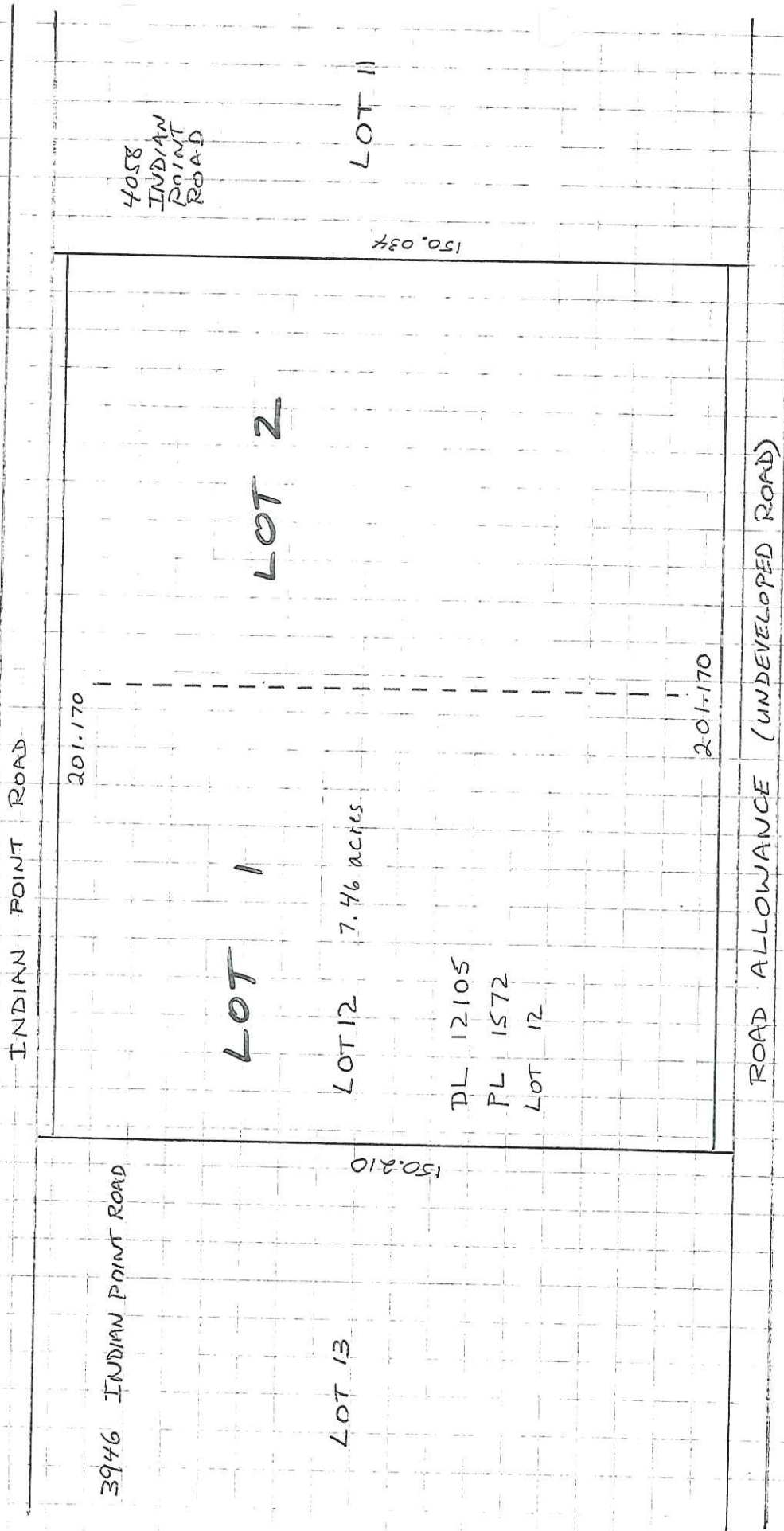
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 1466/2009

PROPOSED SUBDIVISION: TO DIVIDE LOT 12 (7.46 ACRES) IN HALF
 RESULT: TWO LOTS, EACH WITH 100,585 METERS FRONTAGE ON INDIAN PT RD,
 EACH LOT WOULD HAVE AN AREA OF 3.73 ACRES



ALL APPLICATION F-38738
 RESOLUTION # 1466/2009
 APPROVED TWO LOT
 SUBDIVISION