



**Agricultural Land Commission**  
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September 21, 2009

Reply to the attention of Brandy Ridout  
ALC File: Q-38827

James Anderson  
PO Box 71  
Westbridge, B.C.  
V0H 2B0

Dear Sir:

**Re: Application to subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #844/2009 and a sketch plan 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your 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/Sketch Plan

cc: Regional District of Kootenay Boundary (E-2704-06740.000)

MC/i/38827d1



A meeting was held by the Provincial Agricultural Land Commission on Thursday, September 17<sup>th</sup>, 2009 by telephone conference call.

<b>PRESENT:</b>	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Erik Karlsen	Chair
	Martin Collins	Staff

### **For Consideration**

Application: Q-38827 (45776)  
Applicant: James Anderson  
Proposal: To subdivide a 2 ha lot containing the ranch homesite from the 77 ha property  
Legal: PID 011-777-737 Block A of Sublot 25, DL 2704 SDYD, Plan 1186, Except Plan 13185  
Location: Christian Valley Road, Westbridge

### **Site Inspection**

No site inspection was conducted.

### **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.

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

- 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.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The limiting subclasses are a mixture of seasonal moisture deficiency and to a lesser extent, excess water.

#### **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 recognized that the subdivision of the existing home and yard area would likely result in the construction of another residence, yard and access on the remainder, potentially to the detriment of the land's agricultural potential. In addition in the long term it is likely that a non farmer will occupy the new parcel, potentially coming into conflict with the farm operation on the remainder.

#### **Assessment of Other Factors**

The Commission noted the length of time the applicant has lived on the property and his health concerns. The Commission believes the subdivision proposal to be similar to a Homesite Severance because the landowner has lived on and worked on the property since 1952, though he did not assume title until 1982.

#### **Conclusions**

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposed subdivision will not substantively impact agriculture because there appear to be other sites on the property where a homesite could be established that would not erode agricultural potential.
3. That the landowner, in the Commission's mind, qualifies for consideration under Homesite Severance Policy.

#### **IT WAS**

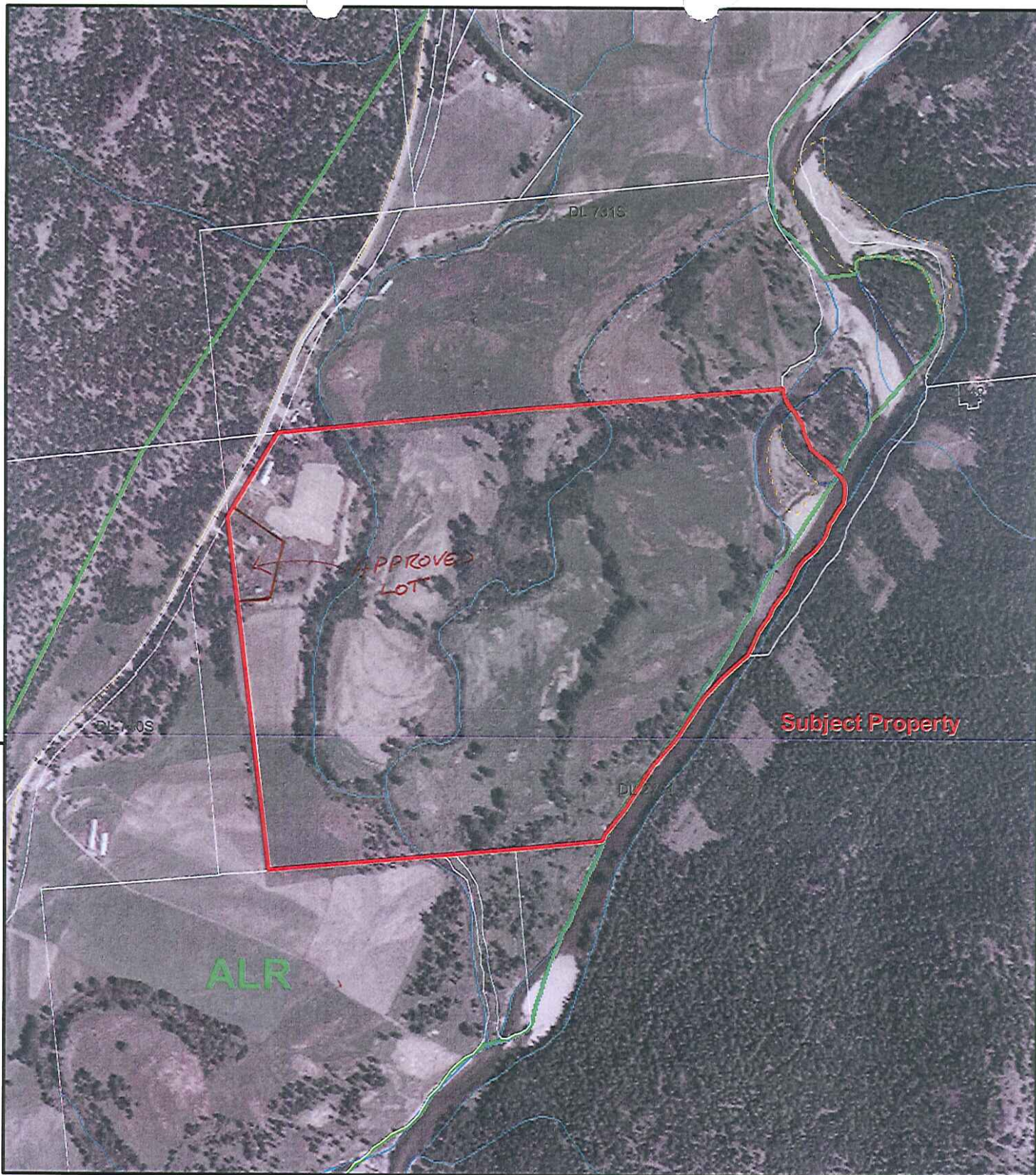
**MOVED BY:** Commissioner B. Minor  
**SECONDED BY:** Commissioner C. Purdy

THAT the application to subdivide a 2 ha homesite lot from the 77 ha property be allowed, 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.
- approval for a subdivision is granted for the sole benefit of the applicant and is non-transferable.

#### **CARRIED**

**Resolution # 844/2009**



RESOLUTION # 844/2009



**AirPhoto Map**

Provincial Orthophoto - 2005

Map Scale: 1:10,000



ALC File #:	21-2009-38827
Mapsheet #:	82E.016 & .026
Map Produced:	Mar 10, 2009
Regional District:	Kootenay-Boundary