



Agricultural Land Commission
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June 6, 2009

Reply to the attention of Brandy Ridout
ALC File: L-38836

Marko and Sabine Tull
3450 Silver Spring Road
Cranbrook, BC
V1C6K8

Dear Sir/Madam:

Re: Application to Subdivide Land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 199/2009 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay (P 708 343)

MCi/38836d1



A meeting was held by the Provincial Agricultural Land Commission on May 27, 2009 at Cranbrook, B.C.

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

For Consideration

Application: # L- 38836
Applicant: Marko and Sabine Tull

Proposal: To subdivide the 8 ha property into two (2) 4 ha parcels.
Legal: PID: 026-789-060
Lot 3, District Lot 6256, Kootenay District, Plan NEP81778
Location: 4585 Wycliffe Park Road, Cranbrook

Site Inspection

A site inspection was conducted on Wednesday, May 27th, 2009. Those in attendance were:

- Barry Minor Chair, Kootenay Panel
- Carmen Purdy Commissioner
- Jerry Thibeault Commissioner
- Martin Collins Staff
- Marko and Sabine Tull Applicants

Marko and Sabine confirmed that the staff report dated March 10th, 2009 was received and no errors were identified.

The Commission walked to the proposed house site on the southerly half of the property, noting that the topography was very steep and that the lot and surrounding areas were forested and affected by scattered rocky outcrops.

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 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 topography and stoniness.

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 adjoining lands were comprised of similar sized lots, and were not improved for agriculture.

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 believes the proposal would not affect existing or potential agricultural uses of surrounding lands.

Conclusions

1. That the land under application has very limited agricultural capability and suitability due to poor soils and steep topography.
2. That the two lot subdivision proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner C. Purdy

SECONDED BY: Commissioner B. Minor

THAT the application to subdivide the 8 ha lot into two 4 ha lots be allowed.

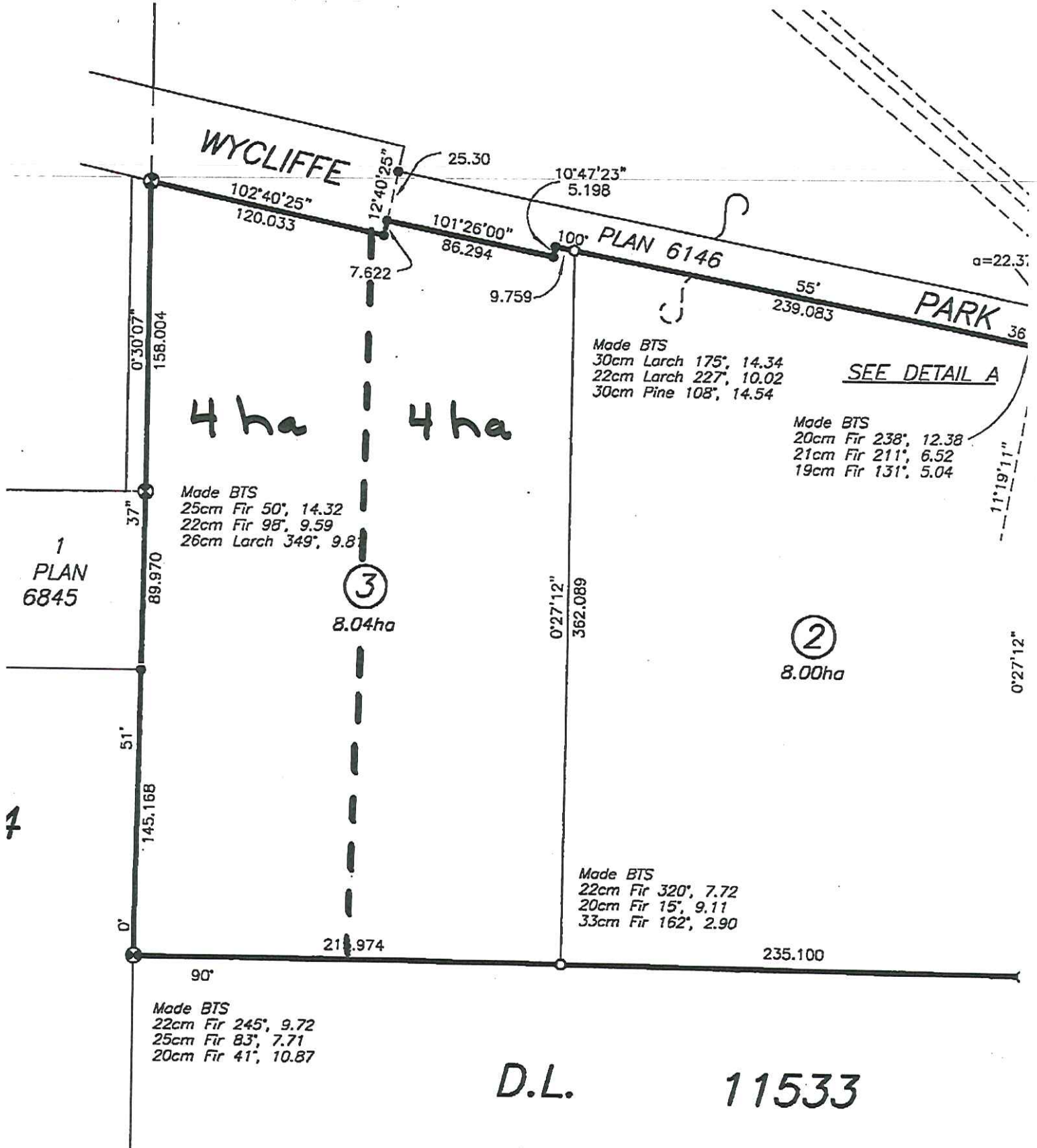
AND THAT the approval is subject to the following conditions:

- 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 199/2009



WYCLIFFE

PLAN 6146

PARK

4 ha 4 ha

③
8.04ha

②
8.00ha

Made BTS
25cm Fir 50', 14.32
22cm Fir 98', 9.59
26cm Larch 349', 9.8

Made BTS
30cm Larch 175', 14.34
22cm Larch 227', 10.02
30cm Pine 108', 14.54

Made BTS
20cm Fir 238', 12.38
21cm Fir 211', 6.52
19cm Fir 131', 5.04

Made BTS
22cm Fir 320', 7.72
20cm Fir 15', 9.11
33cm Fir 162', 2.90

Made BTS
22cm Fir 245', 9.72
25cm Fir 83', 7.71
20cm Fir 41', 10.87

D.L. 11533

ALC APPLICATION # L-38836
RESOLUTION # 199/2009
APPROVED TWO LOT SUBDIVISION