



**Agricultural Land Commission**  
-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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September 21, 2009

Reply to the attention of Brandy Ridout  
ALC File: Q-38929 (45890)

Christian Ogierman  
2800 Bayview St.  
Surrey, B.C.  
V4A 2Z4

Dear Sir:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 843/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) 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. It will also confirm for the Registrar the area excluded from the ALR.

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 in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Kootenay Boundary, File: E163s – 01980.000

MC/i/38929d1



**A meeting was held by the Provincial Agricultural Land Commission on Thursday September 17, 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-38929 (45890)
Applicant:	Yves Ogierman
Agent	Christian Ogierman
Proposal:	To exclude 11 ha from the ALR for residential development.
Legal:	PID 003-409-040 District Lot 163s, SDYD, Except Plan 12138 and KAP44472
Location:	Nicholson Creek Rd.

### **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 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

The limiting subclasses are (T) topography and (R) rockiness. These lands have little, if any capability for agriculture use, except limited seasonal grazing.

### **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 11 ha area has very poor capability for agriculture and as such does not warrant retention in the ALR. In addition adjoining and nearby parcels have very limited agricultural potential. Therefore residential development of the 11 ha will have very limited impact on agriculture.

### **Conclusions**

1. That the land under application has very limited agricultural capability and is largely unsuitable for agricultural use.
2. That the exclusion proposal will not impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner J. Thibealt

**SECONDED BY:** Commissioner C. Purdy

THAT the application to exclude 11 ha from the ALR be allowed.

AND THAT the approval is subject to the following conditions:

- the preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

### **CARRIED**

**Resolution # 843/2009**

DL 163s  
± 11 ha APPROVED  
FOR EXCLUSION

PROPOSED  
ALR  
EXCLUSION

SL 24  
PLAN 1186

NICHOLSON CREEK ROAD

RATTLESNAKE FLATS  
(FARM)

RICHARD  
HOSKIN PLAN  
1690

POOLS RD.

RESIDENTIAL

PLAN 41796  
2

STAN & LINDA JONES  
1655 NICHOLSON  
CRK. RD.

PLAN  
A

KAP 44468

Residential

RICHARD & PAT UGLIK  
3870 KETTLE VALLEY SOUTH  
MAY LAND FARM

D & B McDONALD  
1685 OLD NICHOLSON RD.  
RESIDENTIAL

PLAN  
2

29829  
3

KETTLE VALLEY SOUTH

L215

ALC APPLICATION # 0-38929  
RESOLUTION # 843/2009

B