

Agricultural Land Commission

133–4940 Canada Way Burnaby, British Columbia V5G 4K6 Tel: 604 660-7000

Fax: 604 660-7033 www.alc.gov.bc.ca

September 24, 2009

Reply to the attention of Brandy Ridout ALC File: L-39003 (45979)

Mike and Krista Knight 8272 Betts Road Wardner, B.C. V0B 2J0

Dear Sir/Madam:

Re: Application to subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #826/2009 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P 709 305

MC/i/39003d1

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

PRESENT: Barry Minor Chair, Kootenay Panel

Carmen Purdy Commissioner
Jerry Thibeault Commissioner

Martin Collins Staff

For Consideration

Application: L-39003 (45979) Applicant: L-39003 (45979)

Agent: Mike and Christa Knight

Proposal: To subdivide a 2.8 ha lot containing the home and retain the remnant. Legal: PID 008-328-382 Lot 2, DL 11763, Kootenay District Plan 16399

Location: Wardner

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 8:5TP 2:6T.

- Class 5 Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 6 Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The limiting subclasses are topography (T) and stoniness (P).

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 large property lies in a rural area adjacent to similar size parcels. As such the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

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 noted that the subject property and surrounding lands were not developed for agriculture (i.e. cleared and cultivated or in pasture). Therefore the Commission believed that the subdivision of a single parcel would have little, if any impact on the agricultural (grazing) use of surrounding lands. However, it is possible that subdivision will raise expectations of similar subdivision.

Assessment of Other Factors

The Commission expressed concern about the configuration of the proposed lot. It noted that the proposed 2.8 ha represented an awkward intrusion into the parcel, potentially making it difficult to develop a farm operation on the remnant. Instead the Commission supported the subdivision of a larger ~ 5 ha lot that extends to the east boundary of DL 11762.

Conclusions

- 1. That the land under application has limited agricultural capability.
- 2. That the subdivision proposal as configured will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner J. Thibeault SECONDED BY: Commissioner C. Purdy

THAT the application to subdivide a 2.8 ha lot from the 19 ha property be refused as proposed. However, the Commission would allow the subdivision of a slightly larger parcel of approximately 5 ha containing the existing home and extending to the east boundary of DL 11762.

AND THAT the approval is subject to the subdivision being 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 # 826/2009

