



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 23, 2009

Reply to the attention of Brandy Ridout
ALC File: L-39052 (46043)

Kathleen Wilker
Focus Corporation
PO Box 608
712 D, 10th St
Invermere, B.C
V0A 1K0

Dear Madam:

Re: Application to subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #828/2009 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

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P 709 610

MC/i/39052d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

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

For Consideration

Application: L-39052
Applicant: Frank Keirle
Agent: Focus Corporation
Proposal: To subdivide a 0.3 ha lot from the 1.9 ha property.
Legal: PID 014-857-642 DL 2567, Kootenay District, Plan 4287
Location: 1283 Galena Bay Rd., Spillimacheen

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 5P, improvable to 4P;

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 subclass is 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 Commission noted that the 1.9 ha subject property is part of a larger rural residential subdivision located east of Highway 95. The adjoining properties are all used for residential purposes. As such the subject property is unsuitable for agricultural uses.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Given the location of the property in a rural subdivision and separated from larger farm parcels by a major highway, the Commission did not believe the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

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

IT WAS

MOVED BY: Commissioner J. Thibeault

SECONDED BY: Commissioner C. Purdy

THAT the application to subdivide a 0.3 ha lot from the 1.9 ha property be allowed

AND THAT the approval is subject to the following condition:

- 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

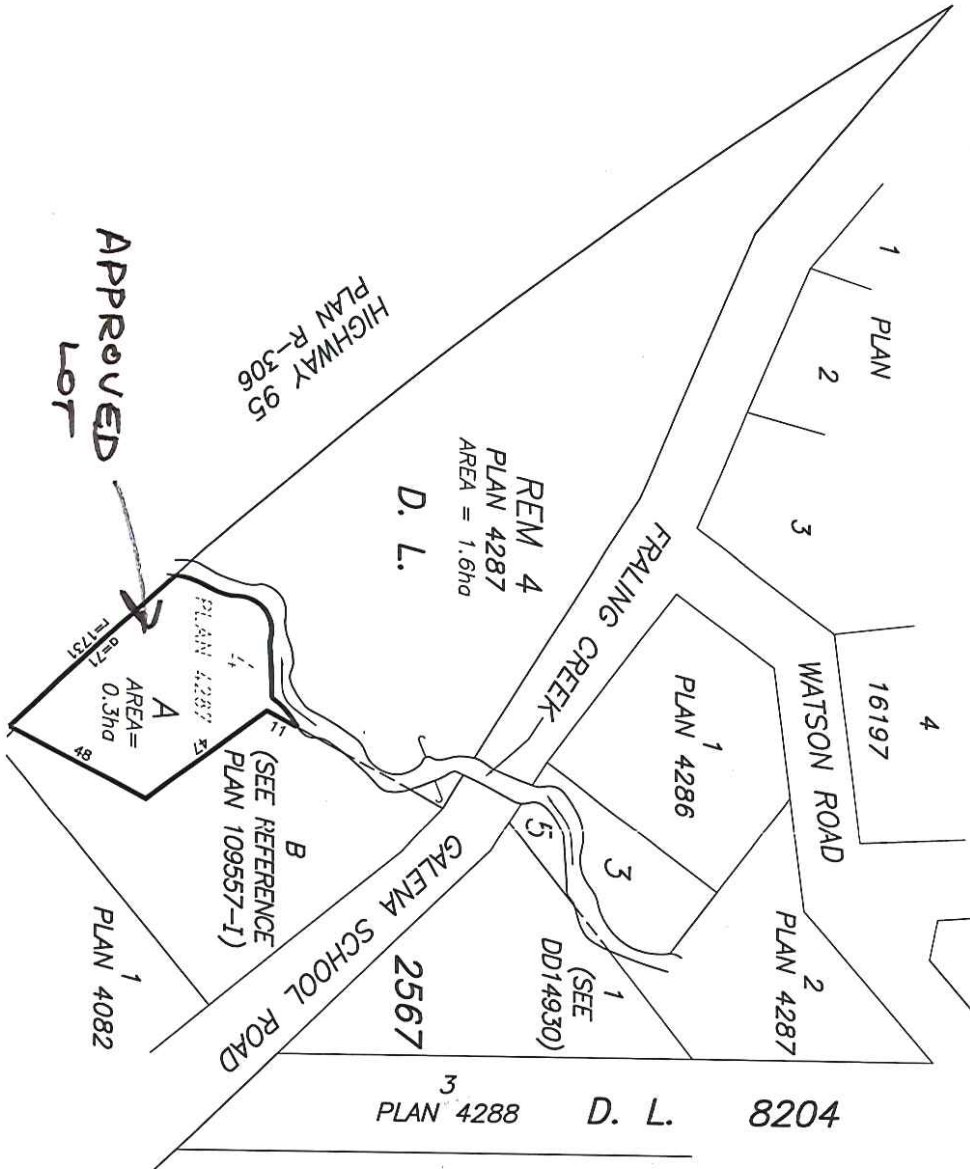
Resolution # 828/2009

PLAN OF PROPOSED SUBDIVISION OF LOT 4,
DISTRICT LOT 2567, KOOTENAY DISTRICT,
PLAN 4287

Scale = 1:1500



All distances are in metres unless otherwise noted.
Distances surrounding Lot 4 are from Land Title Office records and are subject to change upon legal survey.
Field Survey completed October 23, 2008
Fraling Creek shown at present natural boundary



		PROJECT	
		PROPOSED SUBDIVISION	
PROJECT RES. Keith		DATE	ORDER
DATE	Jan 30, 2009	DAL	SCALE
APG			1:1500
SHEET No.		030400506-102-PS1	

ALC APPLICATION L-39052 (46043)
RESOLUTION #828/2009