



Agricultural Land Commission
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April 7, 2010

Reply to the attention of Martin Collins
ALC File: 51070

Ward Engineering and Land Surveying Ltd.
1014 Seventh St.
Nelson, B.C.
V1L 7C2

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2317/2010 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:

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

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of Central Kootenay File: 4035-20-A0917D-03157.010

MC/ 51070d1



A meeting was held by the Provincial Agricultural Land Commission on March 24th, 2010 at Cranbrook, B.C.

PRESENT: Barry Minor Chair, Kootenay Panel
 Jerry Thibeault Commissioner
 Roger Mayer Commissioner

 Martin Collins Staff

For Consideration

Application: 51070
Applicant: Michael Tarr
Agent: Ward Engineering and Land
Proposal: To subdivide a 2 ha lot from the 17 ha property.
Legal: PID 015-940-039 Block L, DL 819, KD, Plan 1107 Except.....
Location: Shutty Bench, Kootenay Lake

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 8:4MT 2:7TC.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

The limiting subclasses are topography and moisture deficiency.

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 believes that the Shuttly Bench area is not an important agricultural area, due to its isolation, small parcel sizes, narrow flat benches, easterly aspect, and prevalent recreational uses.

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 have a significant impact on the existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application has very limited agricultural capability and is largely unsuitable for agricultural use.
2. That the proposal will impact agriculture.

IT WAS

MOVED BY: Commissioner R. Mayer
SECONDED BY: Commissioner B. Minor

THAT the application 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 2317/2010

