



Agricultural Land Commission
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April 7, 2010

Reply to the attention of Martin Collins
ALC File: 51595

Daniel Ayers
PO Box 2445
Fernie, B.C.
V0B 1M0

Dear Sir:

Re: Application to Exclude land from and Include land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2315/2010 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, and concurrently amend the ALR boundary.

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 white background.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P 709 119

MC/51595d1



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: 51595
Applicant: Daniel Ayers
Proposal: To exclude 1.1 ha from the ALR and include 1.1 ha into the ALR
Legal: Lot 10, DL 6393 and 11707, KD, Plan 1411
Location: North of Fernie

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 soils of the areas proposed for exclusion/inclusion is;

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 subclass is topography.

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 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 believes the proposal would have no net effect on the ALR because equal amounts of similar soil types will remain in the ALR after the ALR boundary amendment.

Assessment of Other Factors

The Commission noted that the rationale for the ALR boundary amendment was that it would permit a shorter access road through the ALR (as permitted by Res. #570/2005) to a non ALR subdivision.

Conclusions

1. That the proposed ALR boundary amendment retains the arable portion of the property in the largest possible size and includes cleared land into the ALR.
2. That the proposal is consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Thibeault
SECONDED BY: Commissioner R. Mayer

THAT the application to exclude 1.1 ha from the ALR and include 1.1 ha into the ALR be allowed.

AND THAT the approval is subject to the following conditions:

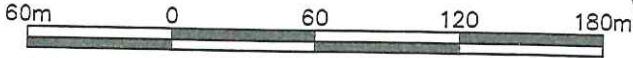
- the preparation of a subdivision plan to delineate the area to be excluded and included per the drawing submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 2315/2010

SKETCH PLAN TO ACCOMPANY ALR LAND SWAP OF PART OF LOT 10, DL's 6393 AND 11707, PLAN 1411



SCALE 1:3000

RDEK FILE: P 705 106
MoT FILE: 02-011-17558

D.L. 6394

LOT 5
PLAN 1411

D.L. 11707

ROAD

DICKEN ROAD

PROPOSED LOT A
12.0 ha

APPROVED INCLUSION

DL

6393

LOT

10

RES # 2315/2010

AREA "B"
TO BE ADDED
TO ALR (EQUAL AREA)

ALR BOUNDARY AS SCALED
FROM SKETCH PROVIDED BY
ILMB STAFF

ELK FENCING BUILT
AT BOTTOM OF SLOPE

REM LOT 10
APPROVED EXCLUSION

PROPOSED SUBDIVISION LINE

SLOPED LAND NOT
SUITABLE FOR FARMING

AREA "A"
TO BE REMOVED
FROM ALR (EQUAL AREA)

PLAN 1411

REM 11

6	165371
5	
4	
3	
2	
1	

Certified Correct this 16th day of November, 2009

Garrett M. L. Winkel
Garrett M. L. Winkel B.C.L.S.

ALC APPLICATION 51595