



Agricultural Land Commission
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April 28, 2010

Reply to the attention of Martin Collins
ALC File: #51669

Ross Blackwell
Focus Corporation
#303-535 Victoria Avenue North
Cranbrook, BC
V1C 6S3

Dear Sir:

Re: Application for a Right of Way in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2428/2010 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.

As proponent it is your responsibility to notify any affected landowner of the Commission's decision. A copy of the minutes must be provided to each landowner.

Please send two (2) paper prints of the final right of way 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 the local government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: City of Cranbrook

MC/51669d1



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

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

For Consideration

Application: 51669
Applicant: Focus Corporation
Proposal: To dedicate a right of way 10 meters wide and 700 meters long (0.7 ha) and install a water and sewer line in the right of way.
Legal: 008-857-911; 027-305-911; 027-305-929; 012-747-459
Location: Highway #95A between Cranbrook and Kimberly

Site Inspection

A site inspection was conducted on Tuesday March 23, 2010. Those in attendance were:

- ALC Commissioners and staff noted above
- Ross Blackwell, Focus Corporation

The site visit confirmed that the lands under application are not being used for agriculture, and had significant limitations for farm use because of steep topography.

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

The limiting subclasses are stoniness, topography and moisture deficiency.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that very small areas ranging in size from 0.1 ha to 0.3 ha would be required for the right of way from the four subject properties. None of the areas proposed for the right of way are in active agricultural use. Furthermore the area is dominated by rural residential uses and small hobby farms.

In addition, after construction, where appropriate the right of way could be used for grazing purposes.

Conclusions

1. That the 0.7 ha area under application has very limited agricultural capability and is largely unsuitable for agricultural use.
2. That the right of way proposal will not impact agriculture.

IT WAS

MOVED BY: Commissioner J. Thibeault

SECONDED BY: Commissioner B. Minor

THAT the application to dedicate a right of way 10 meters wide, 700 meters long for water and sewer service be allowed.

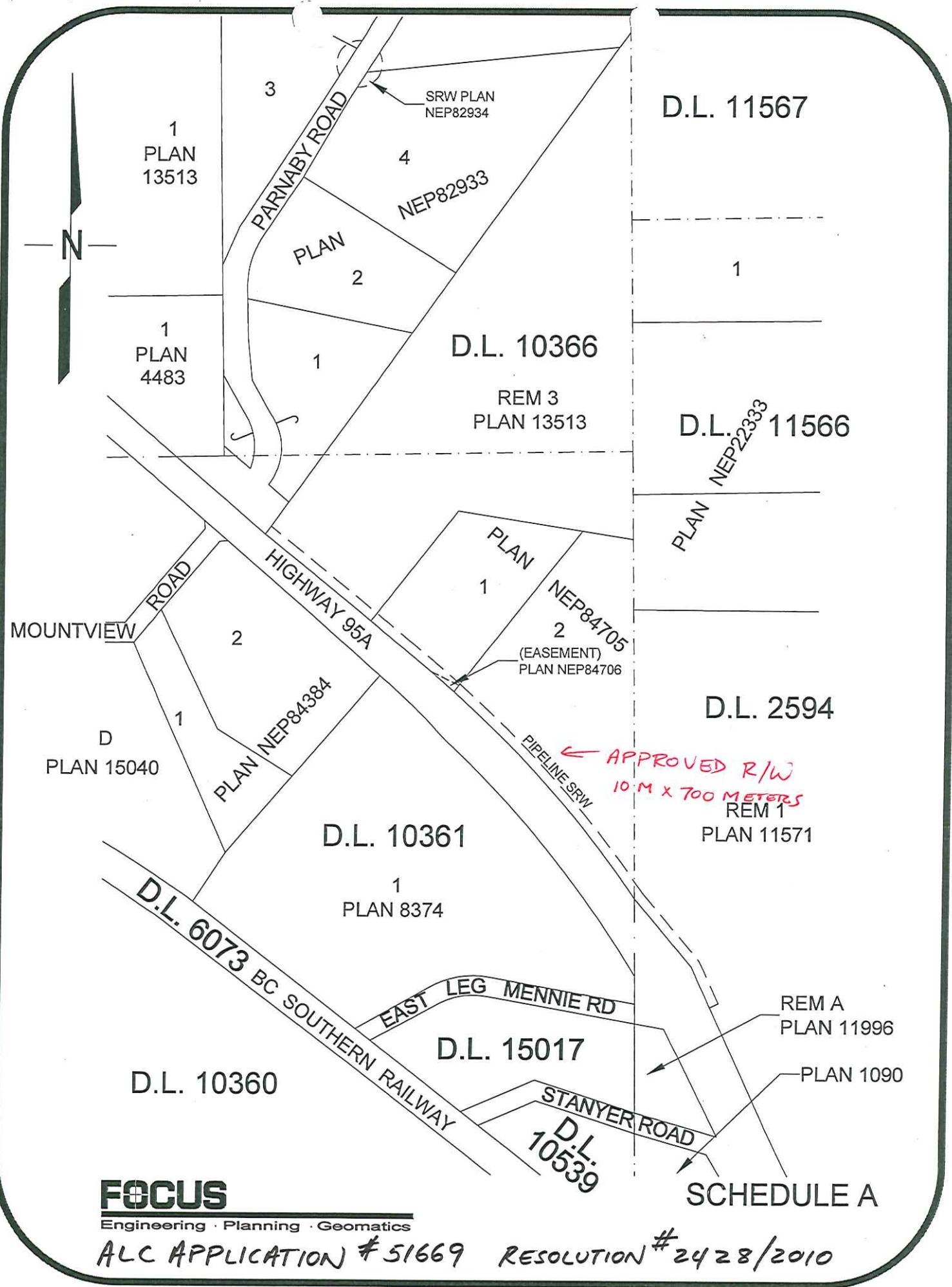
As a condition of approval the proponent must;

- 1) replace any agricultural infrastructure (i.e. fences, drainage etc) disturbed by the installation of the water and sewer pipes with similar or better facilities;
- 2) seed disturbed areas with an appropriate grass mixture and practice weed control on the disturbed land for five years.

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 # 2428/2010



FOCUS

Engineering · Planning · Geomatics

ALC APPLICATION # 51669 RESOLUTION # 2428/2010

SCHEDULE A