



Agricultural Land Commission
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July 20, 2011

Reply to the attention of Lily Ford
ALC File 52041

710781 Alberta Ltd.
c/o Rob MacDonald
FOCUS Corporation
303 - 535 Victoria Avenue North
Cranbrook BC
V1C 6S3

Dear Mr. MacDonald:

Re: Application to Exclude Land from the Agricultural Land Reserve

Please find attached Minutes of Resolution # 261/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

By way of a copy of this letter, the Commission is advising the Registrar of Land Titles of its order and confirming that the ALR notation is to be removed from Certificate of Title CA1785580.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay
BC Land Title & Survey, Kamloops
BC Assessment, Cranbrook

LF/52041d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 29, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Bert Miles	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Lily Ford	Land Use Planner
Eamonn Watson	Land Use Planner
Shaundehi Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: #52041

PROPOSAL: To exclude a 2 ha parcel from the ALR.
(Application submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owners:	710781 Alberta Ltd.
Date of Acquisition:	October 29, 2010
Parcel ID #:	016-016-921
Title #:	CA1785580
Legal Description:	Lot 10, District Lot 4139, Kootenay District Plan 802
Civic Address:	6152 Cunliffe Road, Fernie
Size:	2.0 ha
Area in ALR:	2.0 ha
Current Land Use:	Residential
Farm Classification:	No
(BC Assessment)	

EXCLUSION MEETING:

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For applications submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*, section 30(5) provides that:

- 30(5) At the request of the applicant, the Commission may waive the required notice and the requirement to have a meeting with the Commission with respect to the application.

On June 24, 2011 the Commission received written notice, via email correspondence, of the applicant's request to waive the exclusion meeting.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Elk Valley Block Exclusion Application

The Commission reviewed the subject proposal in the context of a block exclusion application, submitted by the Regional District of East Kootenay, for 36 properties in the Elk Valley including the subject site (ALC Application No. 52121). The Commission approved the application with the exception of the subject property, which it chose to review separately for procedural and statistical purposes.

The block exclusion application was submitted subsequent to the Elk Valley Agricultural Land Reserve (ALR) Review Project, which identified areas for both exclusion and inclusion based on agricultural potential. This broader review identified the subject area as suitable for exclusion contingent on incorporation into the City of Fernie. The Commission verified the findings of the review during an inspection of the area in November 2009, and found that the agricultural potential of the subject area was limited due to the small size and narrow configuration of the lots.

Agricultural Capability

Based on the information contained in Map 82G/11 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as:

Unimproved Rating: 6:4MF 3:5MP 1:4W Improved Rating: 6:3X 3:4MP 1:4W

Class and Subclass Descriptions

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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.

F	low fertility
M	moisture deficiency (droughtiness)
P	stoniness
W	excess water
X	combination of soil factors

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 parcel is located just north of Fernie city limits, in an existing 2 ha subdivision that is designated for urban expansion in the Regional District of East Kootenay Fernie Area Land Use Strategy. In addition, the City of Fernie Official Community Plan contemplates expanding the Ghost rider commercial area, which is located immediately south of the property, onto the parcel and surrounding lots. As discussed above, the Elk Valley ALR Review Project Report recommended exclusion of the area subject to incorporation into the City of Fernie, and the Commission also supported exclusion of the area, noting the small size and poor configuration of the parcels. For these reasons, the Commission believes that there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes that although the land has some agricultural capability, the small size and narrow configuration of the subject site, as well as its location in a designated urban expansion area, renders it unsuitable for agricultural use. These factors also limit the agricultural potential of neighbouring properties. For these reasons, the Commission believes the proposed exclusion will not significantly impact agriculture.

Other Factors

- On November 5, 2010, the Regional District of East Kootenay Board adopted Resolution 41909 in support of the proposal.
- The Advisory Planning Commission for Area E accepted the proposal as presented.

- The proposal is consistent with the Elk Valley Agricultural Land Reserve Review Report, the Fernie Area Land Use Strategy, and the City of Fernie Official Community Plan, all of which have been reviewed and supported by the Commission.

DECISION:

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Bert Miles

THAT the application be allowed for the following reasons:

1. The land has limited agricultural potential due to its small size, narrow configuration, and location in a designated urban expansion area; and
2. Approval of the proposal is consistent with previous Commission actions, including support for the Elk Valley Agricultural Land Reserve Review Report, and approval of Application No. 52121 (Elk Valley Block Exclusion).

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 261/2011