



**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

22<sup>nd</sup> March 2011

Reply to the attention of Ron Wallace  
ALC File:52043

Tembec Industries Inc.  
Box 4600  
220 Cranbrook Street North  
Cranbrook, BC  
V1C 4J7

Dear Sirs:

**Re: Application to Subdivide Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 72/2011 outlining the Commission's decision as it relates to the above noted application. A map depicting the approved subdivisions is attached.

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 purple ink, which appears to read 'Brian Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enc. Minutes

cc: Regional District of East Kootenay (File: P 710 415)

rc/  
52043d1



**A meeting was held by the Provincial Agricultural Land Commission on 28<sup>th</sup> February 2011 in the offices of the Agricultural Land Commission, Burnaby, BC**

<b>PRESENT:</b>	Richard Bullock	Chair, Commission
	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Ron Wallace	Staff
	Roger Cheetham	Staff

### **For Consideration**

Application: 52043  
Applicant: Tembec Industries Inc.  
Agent: N/A  
Proposal: To subdivide a 208 ha property, of which 113.7 ha is located within the ALR to create 15 additional parcels of which 8 are located within the ALR. The 8 ALR parcels range in size from 2 ha adjacent to St Mary Lake to 8 ha parcels back from the lake.  
Legal: PID: 011-836-539; Sublot 39, District Lot 4592 Kootenay District Plan X30  
Location: Eastern side of St Mary 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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the portion of the subject property within the ALR is rated as Class 5 with topography and soil moisture deficiency limitations improvable to Class 4 with similar limitations.

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.

### **Assessment of Agricultural Suitability and Impact on Agriculture**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. With regard to the agricultural suitability of the subject property the Commission noted that it has previously approved a campground on this property under Resolution Number 482/2000. It further noted that it is at the edge of an ALR block and did not appear to have been used at any time for agriculture. With regard to the suitability of the surrounding area within the ALR the Commission noted that it is primarily used for forestry purposes, the bulk comprising Crown timber land. With regard to the potential of development on the subject property to impact on agriculture in this area the Commission noted that the eastern side of the subject property will be retained in the remainder of subplot 39. The Commission considered that this larger parcel (which is 140 ha in extent with 77 ha in the ALR) will provide an adequate buffer between the proposed subdivisions and the adjacent areas within the ALR to the east.

The Commission concluded that the subject property has very limited agricultural potential and the proposed subdivisions will not result in any negative impacts on agriculture either at present or in the longer term.

### **Assessment of Other Factors**

The Commission noted that the application was supported by the Regional Board, the APC and the staff of the Regional District. Having regard to the somewhat isolated nature of the ALR block within which the subject property is located the Commission considered that the area might benefit from a review of the ALR boundaries. However, if and until this is undertaken the Commission considered that the subject property should remain within the ALR to enable the Commission to ensure that future development on the property does not result in any negative impacts on present and future agricultural activities in the area.

### **IT WAS**

**MOVED BY:** Commissioner B. Minor

**SECONDED BY:** Commissioner J. Thibeault

THAT the application be approved

AND THAT the approval is subject to the following conditions:

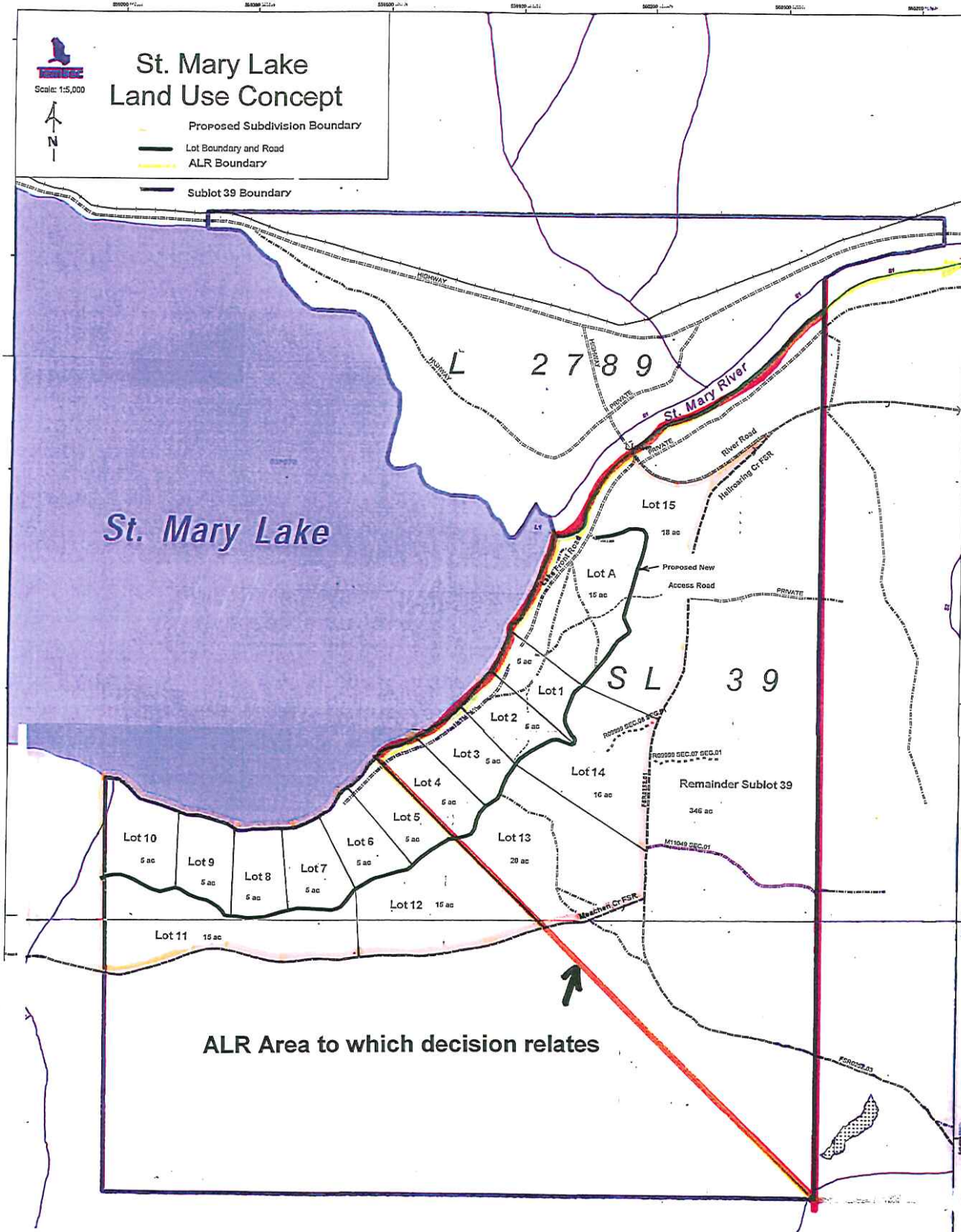
- the subdivision be in substantial compliance with the plan submitted with the application
- the subdivision must be completed within three (3) years from the date of this decision.

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 # 72/2011**





ALC File 52043

Subdivisions approved by ALC in terms of Resolution Number 72/2011