



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

March 28th, 2012

Reply to the attention of Lily Ford
ALC File: 52416

See Wei OOI
PO Box 168
Midway, B.C.
V0M 1M0

Dear Sir:

Re: Application for a Subdivision in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #111/2012 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.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the Regional District of Kootenay Boundary.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes/sketch plan

cc: Regional District of Kootenay Boundary File: E-2454-06580.010

MC/52416d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jerry Thibeault	Commissioner
Gord Gillette	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Lily Ford	Planner
Colin Fry	Executive Director

APPLICATION ID: #52416

PROPOSAL: To subdivide a ~4 ha lot from the 12.8 ha property.

(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY

Owner: See Ooi
Date of Acquisition: April 2011
Parcel ID: 027-599-124
Title No. LB463521
Legal Description: Lot 1, DL 2454, SDYD, Plan KAP87238
Civic Address: 1744 Hulme Creek Road, Rock Creek
Size: 12.8 ha
Area in ALR: 12.8 ha
Current Land Use: Vacant, a house is currently under construction
Farm Classification: Yes No
(BC Assessment)

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.

Agricultural Capability

Based on the information contained in Map (Scale 1:50,000) of the Canada Land Inventory (CLI) mapping indicate that the agricultural capability ratings for the property are

25% (8:5TP 2:6TR) and 75% 7:6T 3:7TR:

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.

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

The limiting subclasses are:

R shallow soil / bedrock outcroppings
T topography
P stoniness

These ratings and limitations suggest that the land has little or no capability for agricultural development.

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 property lies within a rural area, on the edge of the ALR. However, there is little agricultural activity occurring in the area.

Assessment of Potential Impact on Agriculture

The Commission assessed the impact of the subdivision proposal against its mandate of preserving agricultural land and encouraging agriculture. The Commission did not believe that the subdivision of a 4 ha lot would have any negative impact on agriculture, because of the poor soil capability, and relatively small sizes of the surrounding lots. Vast areas of this seasonal grazing land, in conjunction with irrigated hayland would be required to support a cattle operation. It is unlikely that any other soil based crops could be grown beyond irrigate forage production. In addition, there is little evidence that the ALR lands in this area are irrigated.

CONCLUSIONS:

1. That the property under application has little or no agricultural capability for soil based agriculture. .
2. It is uncertain whether the land is appropriately designated as ALR or is suitable for agricultural use.
3. That the subdivision proposal will not negatively impact agriculture.

IT WAS

MOVED BY: **Commissioner** Jerry Thibeault

SECONDED BY: **Commissioner** Jim Collins

THAT the application to subdivide a 4 ha lot from the 12.8 ha property be allowed.

AND THAT the approval is subject to the following condition:

- 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.

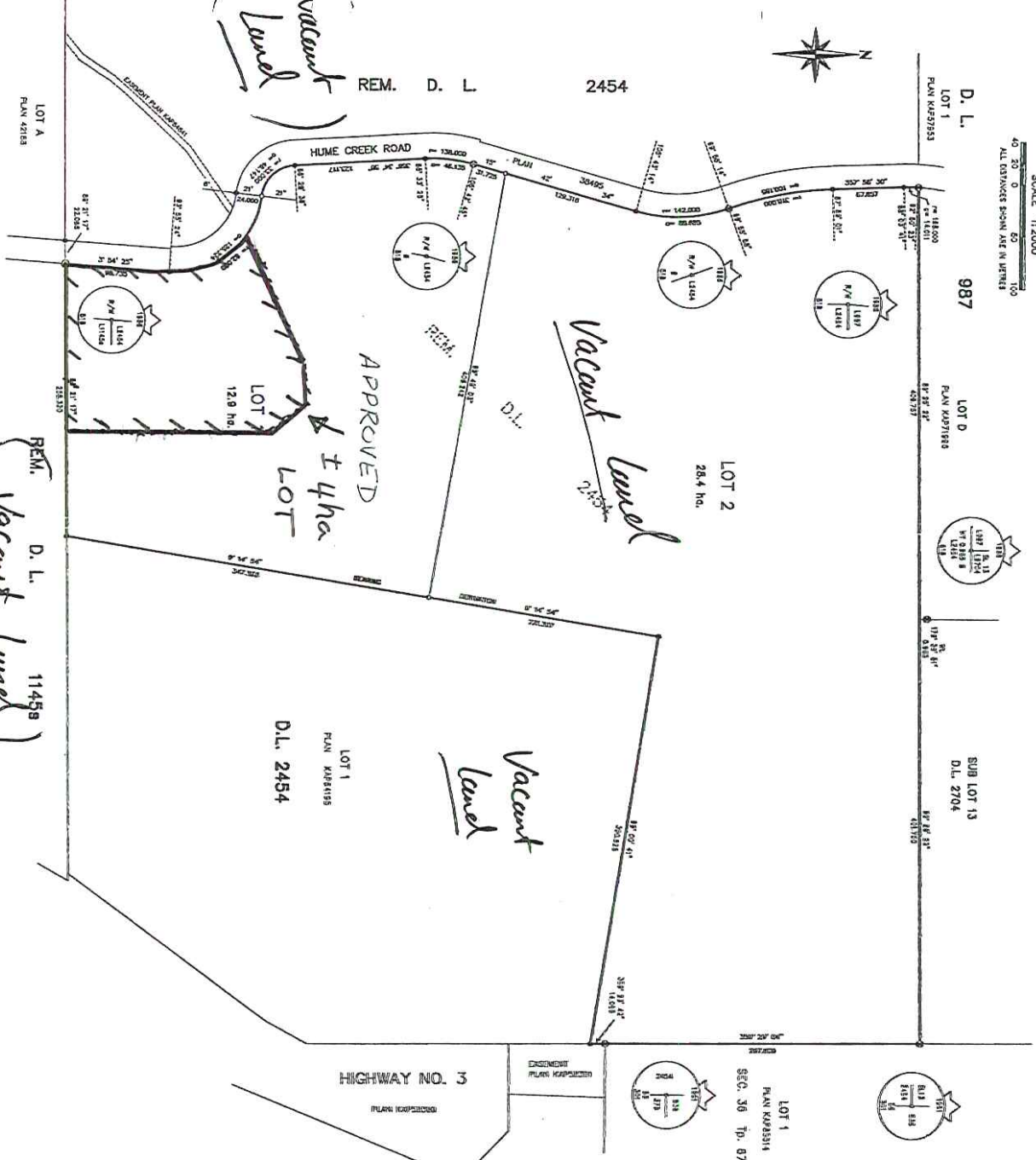
CARRIED

Resolution #111/2012

SUBDIVISION PLAN OF PART OF D.L. 2454, S.D.Y.D., EXCEPT:
1) PART LYING EAST OF THE EASTERN LIMIT OF PLAN H722
2) PLANS 38495 AND KAP64195.
R.C.S. 3-2-2008

SCALE 1:2000
40 20 0 20 40 100
ALL DIMENSIONS SHOWN ARE IN METERS

PLAN NO. KAP _____
DEPOSED IN THE LAND TITLE OFFICE AT PARADISE, B.C.
THIS DAY OF _____, 2009.



- LEGEND**
- STAKES ARE ASTERISK AND DIMED FROM PLAN KAP21914
 - ① BROOKS STAKING CONCRETE POST FOUND.
 - ② BROOKS STAKING CAPPED POST FOUND.
 - ③ BROOKS STAKING IRON POST FOUND.
 - ④ BROOKS STAKING IRON POST FOUND.

NOTES

ROBERT FRIEDRICH OLLI

PRINTED NAME OF WINNER

PRINTED NAME OF WINNER

PRINTED NAME OF WINNER

APPROVED UNDER THE LAND TITLE ACT
THIS DAY OF _____ 2009

TESTIMONY GIVEN FOR THE WINNER
OF THIS SUBDIVISION
W.M.T. FILE C4379 (04-09-100)

I, BROOKS STAKING, A BRITISH COLUMBIA LAND SURVEYOR, OF THE FIRM OF BROOKS STAKING SURVEYORS, CERTIFY THAT I HAVE PREPARED THIS SUBDIVISION PLAN AND THAT THE DIMENSIONS AND BEARINGS AND DISTANCES SHOWN THEREON ARE CORRECT AND ACCURATE TO THE HIGHEST PRACTICABLE DEGREE. I HAVE ALSO VERIFIED THE POSITION AND BEARINGS AND DISTANCES OF ALL THE STAKES AND MARKERS SHOWN ON THIS PLAN BY MEASUREMENT AND BY OTHER MEANS.

REGISTERED PROFESSIONAL LAND SURVEYOR
1100 BAYVIEW AVENUE, SUITE 101
VILVORE, BRITISH COLUMBIA

ALC APPLICATION # 52416 RESOLUTION # 111 / 2012
SKETCH PLAN