



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

August 22, 2012

Reply to the attention of Lily Ford
ALC File 52636

David and Joan Gentles
Box 250
Nelson, BC
V1L 5P9

Dear Mr. and Ms. Gentles:

Re: Application to Exclude Land in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 291/2012 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 your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to be 'C. Fry', written over a circular stamp or mark.

Colin Fry, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay

LF/52636d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

| | |
|-----------------|--------------|
| Richard Bullock | Chair |
| Gordon Gillette | Vice-Chair |
| Jim Collins | Commissioner |
| Lucille Dempsey | Commissioner |
| Denise Dowswell | Commissioner |
| Jerry Thibeault | Commissioner |

COMMISSION STAFF PRESENT:

| | |
|-----------|--------------------|
| Lily Ford | Land Use Planner |
| Colin Fry | Executive Director |

APPLICATION: # 52636

PROPOSAL: Exclusion of the 2.9 ha ALR portion of an approximately 4 ha parcel to allow for subdivision of the property along May and Jenny Road.

(Submitted pursuant to section 30(1) of the Agricultural Land Commission Act.)

COMMISSION CONSIDERATION:

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

After reviewing the file information the Commission concluded as follows:

As to the exclusion proposal:

1. The parcel has agricultural capability;
2. There are no external factors that render the land unsuitable for agricultural use; and
3. The proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

As to subdivision of the property along May and Jenny Road:

1. The area south of May and Jenny Road contains less than 0.4 ha of ALR land that is of marginal value to the remainder of the property; and
2. The applicants are able to subdivide along the ALR boundary, located just south of May and Jenny Road, without Commission approval. Subdivision along the road is a more logical option that would not result in any greater impacts to ALR land.

IT WAS

MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Dowswell

THAT the application be refused as submitted.

THAT the Commission approve subdivision of the parcel along May and Jenny Road subject to the following conditions:

- 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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 291/2012