



Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

October 9, 2012

Reply to the attention of Roger Cheetham
ALC File: #52700

A.F Hoefsloot
PO Box 2740
Grand Forks, BC
V0H 1H0

Dear Sir:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #314/2012 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. A sketch plan depicting the Commission's decision is also attached.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #314/2012
Sketch Plan depicting decision

cc: Regional District of Kootenay Boundary (File: E-TWP-70-08016.105)

52700d1 Letter



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 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
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jim Collins	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Gordon Bednard	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52700

PROPOSAL: To subdivide a 33.3 ha parcel into one (1) 16 ha parcel and a 17.3 ha remainder. The proposed 16 ha parcel would have 6.1 ha in the ALR and the remainder would have 16.3 ha in the ALR. In support of the subdivision proposal the applicant proposes to include an approximately 1 ha area of non-ALR land so that the entire remainder is within the ALR.
(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION:

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.

COMMISSION CONSIDERATION

Based on the information contained in Map 82E/2 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture, the agricultural capability ratings of the bulk of the portion of the property within the ALR are identified as being Class 5 improvable to 4 with soil moisture deficiency limitations. A small area to the south west also has stoniness limitations. The north western area west of Boundary Creek has Class 6 and 7 ratings with topography and climate limitations.

Conclusion: The agricultural capability ratings for the land currently in and out of the ALR indicate the lands are appropriately designated as ALR and non-ALR land respectively.

Conclusion: With regard to the proposed inclusion, the Commission noted that the agricultural capability ratings are similar to the ratings associated with the ALR portion of the property located immediately south of the proposed inclusion area.

IT WAS

MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Collins

THAT the applicant be granted preliminary approval. Final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application;
2. The applicant submitting the following documentation for Commission review and approval;
 - a. The Preliminary Layout Approval (PLA) issued by the Approving Officer from Ministry of Transportation and Infrastructure specifying the requirements for subdivision;
 - b. The requirements for subdivision specified by the local government that are not identified in the PLA; and
 - c. The requirements for subdivision of any other person or body having jurisdiction over the land under an enactment.

The Commission will be most concerned with any condition it believes will compromise the ability to comply with Condition No. 1 and any condition it believes to be inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and to encourage farming.

Final approval will not be granted if the Commission does not approve the subdivision requirements as per Condition No. 2;

3. The submission of an inclusion application pursuant to section 17(3) of the *Agricultural Land Commission Act* for the inclusion into the ALR the approximate 1 ha area identified in the application; and
4. The inclusion application being received by the Commission and the subdivision plan registered within three (3) years from the date of this decision.

AND FINALLY THAT 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.

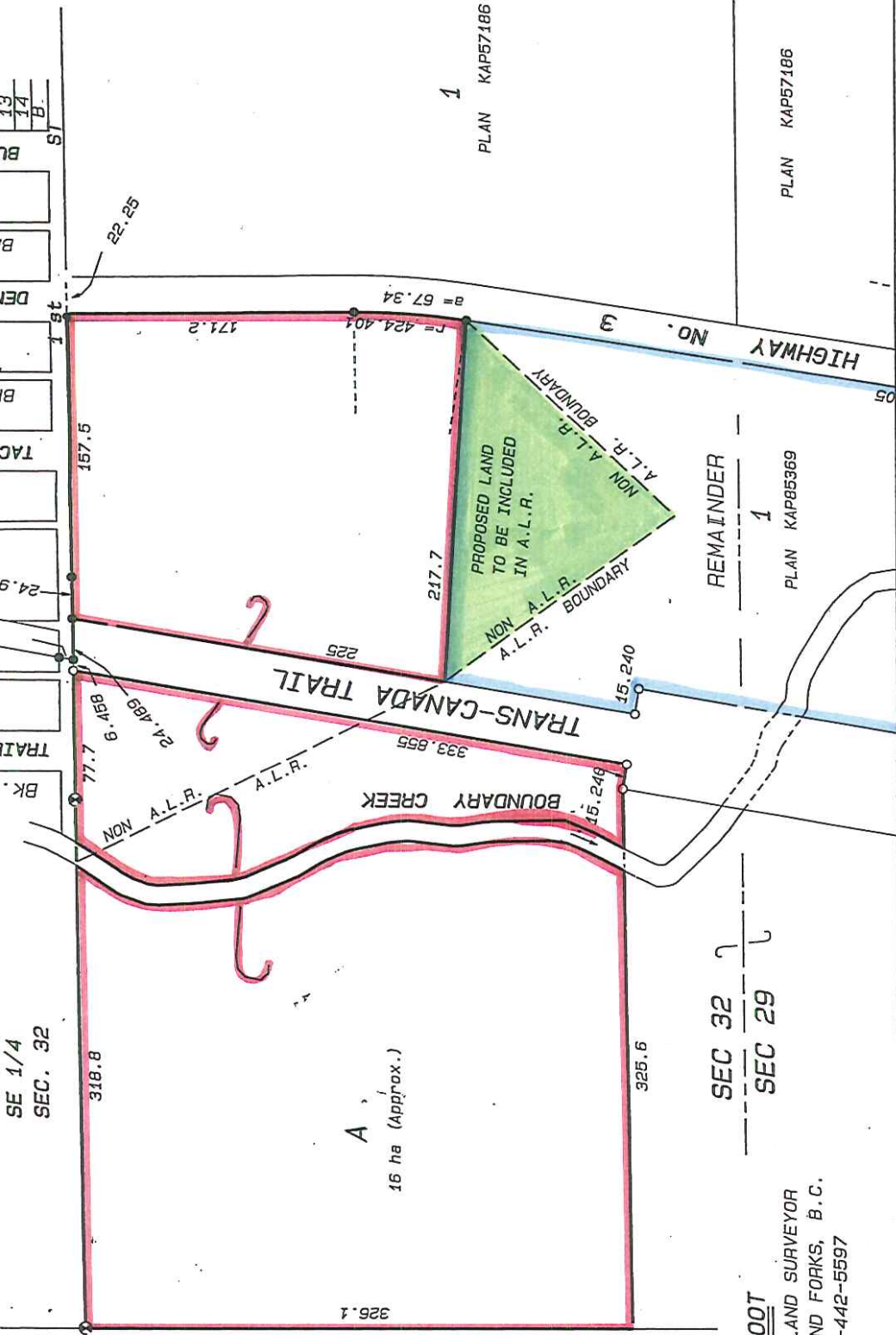
CARRIED
Resolution # 314/2012

Commissioner Pranger was opposed to the decision

PROPOSED SUBDIVISION OF PART OF LOT 1,
SECTIONS 29 AND 32, Twp. 70, S0YD. PLAN KAP85369

SCALE 1:2500

SE 1/4
SEC. 32



A.F. HOEFSLOOT
BRITISH COLUMBIA LAND SURVEYOR
P.O. BOX 2740, GRAND FORKS, B.C.
VOH 1H0 250-442-5597
12SMITH



PROVINCIAL AGRICULTURAL LAND COMMISSION
Application #52700 (Resolution #314/2012)

- Approved lot to be subdivided
- Remainder of subject property
- Area to be included to the Agricultural Land Reserve (ALR)