



Agricultural Land Commission
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February 24, 2014

ALC File: #53422

Erla Mottram
Box 84, 3774 Hwy 95
Brisco, B.C. V0A 1B0

Dear Ms. Mottram:

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

Please find attached the Minutes of Resolution #50/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'L. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #50/2014
Sketch plan

cc: Regional District of East Kootenay (File: P 713 604)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53422.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Planner
Liz Sutton	Planner
Jennifer Carson	Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 14.6 ha subject property into two (2) 7.3 ha lots.

PROPERTY INFORMATION:

Owner: Erla Mottram

Legal: PID: 024-744-255
Lot 1, District Lot 351, Kootenay District, Plan NEP66484

Location: 3774 Hwy 95, Brisco

Size: 14.6 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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

The Commission reviewed the previous application involving the subject property:

Application #7971 (Tegart, 1997)	Allowed the subdivision of a 126 ha property into one 16 ha lot and one 110 ha lot as divided by the Highway 95 (Resolution #294/1997). This approval created the current subject property.
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After considering the information the Commission concluded as follows:

1. The Commission reviewed the Local Government Report and in particular the staff comments discussing the topographical and soil limitations of the subject property. The Commission concurs with the local government staff's assessment that these limit the agricultural potential of the subject property.

Conclusion: The Commission concurs with the local government comments.

2. 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.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 82K/16 for the subject property are Class 4, 5 and 6.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are M (moisture deficiency), P (stoniness) and T (topographic limitations).

Conclusion: The subject property has limited agricultural capability and in its present size, could not support a wide range of crops.

3. The Commission noted that the proposed parcel size is consistent with other properties in the area, and particularly the 8.5 ha parcel permitted under ALC Application #43661.

Conclusion: In this particular case, due to the unique qualities of the subject property and the proposed parcels, the Commission does not believe that the proposed subdivision will adversely impact agriculture.

IT WAS
MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Dempsey

THAT the proposal to subdivide the 14.6 ha property into two 7.3 ha lots be conditionally approved.

AND THAT the final approval is subject to:

1. The subdivision being substantial compliance with the plan submitted with the application;
and
2. The subdivision plan being completed 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 #50/2014

