



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

August 25, 2014

ALC File: #53622

John Huizinga
RR#3
Nelson, B.C. V1L 5P6

Dear Mr. Huizinga:

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

Please find attached the Minutes of Resolution #245/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan 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.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey (Lindsay.McCoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Layton' or similar, with a long horizontal line extending to the right.

Colin J. Fry, Chief Tribunal Officer

Enclosures: Minutes of Resolution #245/2014
Sketch Plan

cc: Regional District of Central Kootenay (File # A1402)
John Beerbower & Jacoba VanderGaast, RR#3, Nelson, B.C. V1L 5P6

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 29, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Application #53622.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Laurel Eyton	Planner
Jennifer Carson	Planner
Gordon Bednard	Planner
Colin Fry	Chief Tribunal Officer

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

To subdivide Lot 16 into a 0.4 ha parcel and a 3.4 ha parcel to accommodate the two existing dwellings that are divided by a creek; and, to adjust the boundary between Lot 15 and Lot 16 to accommodate the existing septic fields and a driveway for the dwellings on Lot 16.

PROPERTY INFORMATION:

Parcel One

Owner: John Huizinga

Legal: PID: 008-836-850
Lot 16, District Lot 6894, Kootenay District, Plan 806.

Location: 9109 Fisher Avenue, northeast of Nelson

Size: 1.6 ha (0.9 ha in the ALR)

Parcel Two

Owners: John Beerbower and Jacoba VanderGaast

Legal: PID: 008-836-825
Lot 15, District Lot 6894, Kootenay District, Plan 806.

Location: 9099 Fisher Avenue, northeast of Nelson

Size: 1.6 ha (1.4 ha in the ALR)

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 a previous application involving the subject property:

Application #7875 (Regional District of Central Kootenay, 1978)	Block exclusion based on soil capability mapping removed the northeast corners of these properties from the ALR. Approved by Resolution #10392/1978.
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After considering the information the Commission concluded as follows:

1. 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 agricultural capability rating identified on CLI map sheet 82E/10 for the majority of the area of the subject properties within the ALR is Class 7TC, and the south eastern corner of Lot 15 is Class 3 and Class 4 (7:3T – 3:4T).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

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

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with these parcels of land are T (topographic limitations) and C (adverse climate).

Conclusion: The majority of the area of the subject properties within the ALR has a Class 7 agricultural capability rating and the proposed boundary adjustment will not impact the better agricultural area of the subject properties, in the south east corner of Lot 15.

2. There is a creek separating a house in the south western corner of Lot 16 from the northern portion of the subject property.

Conclusion: Given the location of the creek, there is no agricultural utility of the land lying to the south of the creek. The proposed subdivision of a home site on the south side of the creek will not impact the agricultural potential on the balance of the subject properties.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Thibeault

THAT the proposal to subdivide be approved as proposed.

AND THAT the final approval is subject to:

1. The subdivision being in substantial compliance with the plan submitted with the application; and
2. The subdivision plan being completed within three (3) years from the date of the Commission's letter communicating 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 #245/2014

