



**Agricultural Land Commission**  
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Reply to the attention of Terra Kaethler  
ALC File: L-37616

December 13, 2007

Philip Jones  
25-10th Avenue, S  
Cranbrook, BC V1C2M9

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 675/2007 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P-707-325)

Enclosure: Minutes

TK/37616d1.doc



**A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in Cranbrook, B.C.**

**PRESENT:**     Monika Marshall                                     Chair, Kootenay Panel  
                  Carmen Purdy   Commissioner  
                  D. Grant Griffin                                     Commissioner  
                  Terra Kaethler                                     Staff  
                  Roger Cheetham                                    Staff

**For Consideration**

Application:       # L- 37616  
Applicant:         Franz and Edeltraud Carton  
Agent:             Philip Jones  
Proposal:          To subdivide the 179 ha subject property to create 18 strata lots at 2 ha in size by the Kootenay River, a 10 ha lot in the southwest corner as separated by the highway, and a remainder.  
  
Legal:             PID: 016-767-624  
                      District Lot 1894, Kootenay District, EXCEPT That part shown outlined in red on Reference Plan 873531  
  
Location:          7835 Highway 3/93, Mayook Area

**Site Inspection**

A site inspection was conducted on November 1, 2007. Those in attendance were:

- Monika Marshall                     Chair, Kootenay Panel
- Carmen Purdy                        Commissioner
- D. Grant Griffin                     Commissioner
- Terra Kaethler                       Staff
- Roger Cheetham                     Staff
- Darrell Smith                        Agrologist, Ministry of Agriculture and Lands
- Philip Jones                         Agent

The Commission met with the agent on the property and drove around the property. The Commission walked to the area proposed for subdivision into small lots and noted that the area was treed and sloped. The Commission then drove to view the 10.0 ha portion proposed for subdivision across the road. The Commission noted that the property is an active farm situated in an area consisting of predominantly large agricultural holdings.

The agent confirmed that the staff report dated October 19, 2007 was received and no errors were identified.

**Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They 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.

## **Discussion**

### **Assessment of Agricultural Capability**

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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property ranges from Class 2 - Class 6 with limitations of soil moisture deficiency, topography, and cumulative and minor adversities:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- 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.

The Commission recognizes the variation in agricultural capability on the subject property. However, in light of this variability, it was held that subdivision would further serve to compromise agricultural potential. The Commission considered that given the large size of the parcel, the agricultural capability of the property is reasonable, particularly for ranching or grazing activity. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The subject property is an active farm property and is in an agricultural area of predominantly large parcels. Although the property is divided by a highway, the Commission did not believe that this presented a substantial barrier to the agricultural use of the property as a whole. As such, the Commission did not believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural value as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

Further, the Commission believed that subdivision of the subject parcel would encourage further parcelization of properties within agricultural areas and may impact agricultural use of surrounding lands. The introduction of 18 small, residential lots along the river would remove 36.0 ha from agricultural production and has the potential to negatively impact present and future agricultural activity in the area.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Griffin  
**SECONDED BY:** Commissioner Marshall

THAT the application be refused.

### **CARRIED**

**Resolution # 675/2007**