



**Agricultural Land Commission**  
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July 24, 2008

Reply to the attention of Jennifer Carson  
ALC File: L-38238

Anna Fontana  
PO Box 275 - 3837 Mayook Settlement Road  
Cranbrook, BC V1C4H8

Dear Ms. Fontana:

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

Please find attached the Minutes of Resolution # 388/2008 outlining the Commission's decision as it relates to the above noted application.

The Commission draws your attention to sections 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration. Please note the very specific requirements for reconsideration.

S.33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

(2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.

A revised proposal does not constitute new information and will not be considered as a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P708-319)

Enclosure: Minutes

JC/38238d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**A meeting was held by the Provincial Agricultural Land Commission on July 8, 2008 in Cranbrook, B.C.**

<b>PRESENT:</b>	Monika Marshall	Chair, Kootenay Panel
	D. Grant Griffin	Commissioner
	Erik Karlsen	Commissioner
	Jennifer Carson	Staff

### For Consideration

Application: # L- 38238  
Applicant: Anna Fontana  
Proposal: To subdivide the 35 ha subject property into a 2.8 ha parcel on the south side of Pippin Road and a 32.2 ha farm remainder.  
Legal: PID: 009-003-657  
Lot 1 District Lot 4590, 4793, 6204 and 9610 Kootenay District Plan 16271  
Location: 3837 Mayook Settlement Road

### Site Inspection

A site inspection was conducted on July 8, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- D. Grant Griffin Commissioner
- Erik Karlsen Commissioner
- Jennifer Carson Staff
- Anna Fontana Applicant

The Commission met Ms. Fontana on the subject property to discuss the application. Ms. Fontana showed the Commission her property and pointed out the area across the road proposed for subdivision. She explained that she has horses, cattle and goats on the property and has never used the portion of the property that is separated by the road. The Commission asked whether Ms. Fontana had ever discussed consolidation of the 2.8 ha portion of the property with an adjacent property. She responded that her neighbour had approached her with a proposal to do so, but that she was not interested. Ms. Fontana's plans were to be able to retire to the smaller portion of property and continue to have a few horses, while selling the remainder lot. The Commission drove up to the area proposed for subdivision and noted that it was forested and had some topographical limitations.

### 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 improved ratings of the agricultural capability of the soil of the subject property are 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 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.

#### Subclasses

- P stoniness
- T topography
- X cumulative and minor adverse

### **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 Commission does 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. The Commission discussed its concern with introducing a smaller lot into an agricultural area. And while the Commission understands that Ms. Fontana is not interested in selling this portion of her property to her neighbour, the Commission believes that in this particular case a lot line adjustment would be more appropriate. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

### **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 adversely 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 Marshall

**SECONDED BY:** Commissioner Griffin

THAT the application be refused.

### **CARRIED**

**Resolution # 388/2008**