



Agricultural Land Commission
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May 21, 2009

Reply to the attention of Roger Cheetham
ALC File: **L-38638**

John and Bev Pippard
798 Sundown Lane
Baynes Lake, BC V0B1J0

Dear Mr. and Mrs. Pippard:

Re: Application to subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 154/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P-708-229)

rc/
i/38638d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 30, 2009 in Cranbrook, B.C.

PRESENT:	Erik Karlsen	ALC Chair
	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: # L- 38638
Applicant: John and Bev Pippard
Proposal: Subdivision for a relative: To subdivide to 2.0 ha property into two (2) 1.0 ha parcels.
Legal: PID: 011-601-043
Lot 4, District Lot 132, Block 20, Kootenay District, Plan 1181
Location: 798 Sundown Lane, Baynes Lake

Site Inspection

A site inspection was conducted on 30th April 2009. Those in attendance were:

- Erik Karlsen ALC Chair
- Barry Minor Chair, Kootenay Panel
- Carmen Purdy Commissioner
- Jerry Thibeault Commissioner
- Roger Cheetham Staff
- John Pippard Applicant
- Bev. Pippard Applicant

The Commission noted that the property was being used for agricultural purposes. Mr. Pippard indicated that the well provided 10 gallons per minute. The subdivision was intended for the son. The Commission noted that the property is located within an area generally comprising 2 ha parcels.

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 is rated as 50% improvable to Class 3, 40% improvable to Class 4 and 10% unimprovable Class 6 with soil moisture deficiency and topographic limitations.

- 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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Having regard to these ratings the Commission concluded that the subject property has agricultural capability.

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 noted that the property is surrounded by lots of similar size in a rural residential area within which there is some agricultural activity. The Commission believed that although the size of the property was small, it could support some small-scale agriculture activity. Therefore, 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. The Commission believed the proposal would impact existing or potential agricultural use in that the subdivision of an already small agricultural parcel into two smaller agricultural parcels would reduce agricultural options. Furthermore, the Commission believed that introducing a small residential lot into this area may negatively 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 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 Jerry Thibeault

SECONDED BY: Commissioner Barry Minor

THAT the application to subdivide to 2.0 ha property into two (2) 1.0 ha parcels be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request 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.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution #154/2009