



Agricultural Land Commission
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November 9, 2009

Reply to the attention of Martin Collins
ALC File: 50401

Wayne and Cynthia Jones
54 Elgin Way, SE
Calgary, Alberta
T2Z 3Y7

Dear Sir/Madam:

Re: Application to use Agricultural Land Reserve land for non farm purposes

Please find attached the Minutes of Resolution # 1283/2009 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', written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay (P 709 209)

MC/i/50401d1



A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 3, 2009 at Cranbrook, B.C.

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

For Consideration

Application: 50401
Applicant: Wayne and Cynthia Jones
Proposal: To place three trailers on the 2 ha property in addition to the single family dwelling for camping by the applicant's friends.
Legal: PID 025-493-604 Lot 2, DL 132, KD, Plan NEP71940
Location: Baynes Lake

Site Inspection

No site inspection was conducted.

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 and Suitability

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 unimproved agricultural capability of the soil of the subject property is complex;

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.

The limiting subclasses are seasonal moisture deficiency and stoniness. As noted in the application the land could be used for a tree farm.

Assessment of Impact on Agriculture

However, the Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the facilities associated with camping are inconsistent with its mandate to protect agricultural land and encourage farming. Particularly since the land is not used for agriculture.

The Commission also noted that the Regional District did not support the application because it is undergoing a planning process in the Baynes Lake area and the proposed camping use may impact the rural residential character of the area.

Conclusions

1. That the land under application has agricultural capability and is suitable for agricultural uses.
2. That the three trailers proposed to be located on the property are not supportive of agriculture.
3. The proposal is not supported by the Regional District of East Kootenay.

IT WAS

MOVED BY: Commissioner C. Purdy
SECONDED BY: Commissioner E. Karlsen

THAT the application to place three trailers on the 2 ha subject property for camping purposes be refused as proposed.

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 # 1283/2009