



**Agricultural Land Commission**  
133-4940 Canada Way  
Nanaimo, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

April 14, 2010

Reply to the attention of Martin Collins  
ALC File: 50994

Cindy Mesic, Richard Budd  
7187 Lynch Road  
Fernie, B.C.  
V0B 1M5

Dear Sir/Madam:

**Re: Application to Subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #2331/2010 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 in a cursive style.

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay File: P709 113

MC/50994d1



**A meeting was held by the Provincial Agricultural Land Commission on March 24<sup>th</sup>, 2010 at Cranbrook, B.C.**

<b>PRESENT:</b>	Barry Minor	Chair, Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Mayer	Commissioner
	Martin Collins	Staff

### **For Consideration**

Application: 50994  
Applicants Richard Budd, Cindy Mesic  
Proposal: To subdivide the 4.2 ha property into two 2.1 ha lots.  
Legal: Lot 6, DI 7784, Kootenay District, plan 1360  
Location: North of Fernie

### **Site Inspection**

A site inspection was conducted on March 24<sup>th</sup>, 2010. Those in attendance were:

- Barry Minor Chair, Kootenay Panel
- Jerry Thibeault Commissioner
- Roger Mayer Commissioner
- Martin Collins Staff
- Richard Budd Applicant
- Cindy Mesic Applicant

Cindy Mesic confirmed that the staff report dated January 26<sup>th</sup>, 2010 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.

The agricultural capability of the soil of the subject property is 8:5PM 2:4M improvable to (8:4MP 2:3M).

- 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.

The limiting subclasses are stoniness and seasonal moisture deficiency.

The Commissioners believed that the land had good agricultural capability and represented some of the best land in the area.

### **Assessment of Agricultural Suitability**

The Commission assessed whether 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 believes the subdivision proposal, if approved, would negatively impact existing or potential agricultural use the subject property because smaller lots offer a narrower range of agricultural options, and because arable land would be alienated by another house, access, and yard site. In addition subdivision could affect surrounding lands by raising expectations of land use change and accelerate similar subdivision pressures. It is the Commission's experience that 2 ha lots have very limited agricultural potential and are unlikely to be farmed. In contrast larger parcels offer a wider range of agricultural options and tend to be used for agriculture.

### **Assessment of Other Factors**

The Commission noted that surrounding and adjoining parcels were farmed as a single farm in the past. However, it appears that the individual farm parcels making up the larger farm area being sold. The Commission was concerned that the entire area would be developed into 2 ha lots to the detriment of the land's agricultural potential.

### **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 negatively 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 R. Mayer  
**SECONDED BY:** Commissioner J. Thibeault

THAT the application to subdivide the 4.2 ha subject property into two 2.1 ha lots 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 # 2331/2010**