



Agricultural Land Commission
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April 9, 2010

Reply to the attention of Martin Collins
ALC File: 51127

Pam Grandmaison
1860 Queen Street
Abbotsford, B.C.
V2T 6J1

Dear Ms Grandmaison:

Re: Application for a Strata RV Park in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2316/2010 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 over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Kootenay Boundary File: E1141s-04619.100

MC/ 51127 d1



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

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

For Consideration

Application: 51127
Applicant: Pam Grandmaison
Proposal: To developed and subdivide a 109 unit strata RV Park on ~4 ha of the 41 ha property.
Legal: PID 014-978-661 Part of DL 1144S, SDYD, Lying East of the Easterly limit of Plan H722
Location: Highway #3, west of Rock Creek

Site Inspection

A site inspection was conducted on March 22, 2010. Those in attendance were:

- Roger Mayer Commissioner
- Pam Grandmaison Applicant

Ms Grandmaison confirmed that the staff report dated February 3, 2010 was received and no errors were identified.

Roger Mayer provided the other Commissioners with a summary of the site visit and meeting thereby establishing their eligibility to vote on the application. Roger indicated that the property was primarily natural grassland used for grazing purposes. The proposed site for the RV Park was the flattest portion of the property.

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 80% 4TP and 20% 6TP.

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.

The limiting subclasses are topography, stoniness and moisture deficiency.

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 was concerned that the proposed RV Park would alienate a significant grazing area of the most level portion of the property. It was noted that there were other, less arable areas on the property than the site proposed for the non farm use. The Commission indicated that it would be willing to consider an alternate location for the RV facility, subject to the provision of irrigation water and/or other agricultural improvements being made to the agricultural remainder of the property.

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 for a 109 unit RV Park 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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED
Resolution # 2316/2010