



Agricultural Land Commission
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June 18, 2010

Reply to the attention of Terra Kaethler
ALC File: #51677

WSA Engineering Ltd
Bryan E. Woods
2248 Columbia Ave
Castlegar, BC
V1N 2X1

Dear Mr. Woods:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2511 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay, Box 590, 202 Lakeside Drive, Nelson, B.C.
V1L 5R4 (4035-20-A1006Hs-20316.050)

TK/
/51677d1

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The Commission recognizes the variation in agricultural capability on the subject property. However, it was held that subdivision would further serve to compromise its agricultural potential. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands 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 noted that a public road (Perry's Village Road) divided the property, but did not consider it to be a barrier to farming the property as a whole. It 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.

In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. It is the Commission's experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures.

As such, the Commission believes that the subject parcel had more agricultural value as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. Further, the Commission believes that the proposal would negatively impact existing or potential agricultural use of surrounding lands.

Therefore, the Commission did not believe that the creation of a new lot in this area would be beneficial to agriculture. The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission truly felt that your application was not in keeping with that mandate.

Conclusions

1. That the land under application has agricultural capability..
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 Thibeault

SECONDED BY: Commissioner Minor

THAT the application 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 # 2511