



**Agricultural Land Commission**  
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7<sup>th</sup> December 2010

Reply to the attention of Ron Wallace  
ALC File: 51778

Todd and Linda Marshall  
143 Mount Copper Park SE  
Calgary, AB  
T2Z 2K1

Dear Todd and Linda Marshall:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2799/2010 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 'Brian Underhill', is written over a light blue horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay (4035-20-A1011B-02370.200)

rc/  
/51778d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on 18<sup>th</sup> November 2010 in Creston, BC**

<b>PRESENT:</b>	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

### For Consideration

Application: 51778  
 Applicant: Todd and Linda Marshall, Dean Bloodworth and Cherie Griffett  
 Agent: N/A  
 Proposal: To subdivide the property into two roughly equal 1.9 ha parcels as divided by Mehrer Road  
 Legal: PID: 013-262-653; Lot 93, District Lot 812. Kootenay District Plan 730C  
 Location: 5126 Mehrer Road Canyon

### Site Inspection

A site inspection was conducted on 18<sup>th</sup> November 2010. Those in attendance were:

- Richard Bullock                      Chair of Commission
- Barry Minor                            Chair of Kootenay Panel
- Jerry Thibeault                        Commissioner
- Gordon Gillette                        Commissioner
- Roger Cheetham                        Staff

The Commission noted that the bulk of the property is under trees with the exception of a portion that has been cleared on the southern side of Mehrer Road. The Commission also noted that the northern portions of the property are steeper and have less agricultural capability than the more southerly portions. However all of the property appear to have agricultural potential. The Commission noted that the property is located in an area with similar sizes parcels, those to the south and west generally being used for agriculture and those to the north east generally being under trees and used to a lesser degree for agriculture. The Commission noted that Mehrer Road is not a major physical constraint.

### 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 soils of the northern section of the property is rated as Class 4 with topography limitations and the southern portion is rated as Class 4 with soil moisture deficiency limitations, improvable to Class 2 with similar limitations.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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.

### **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 did not believe that Mehrer Road constitutes a physical impediment to agriculture and the Commission concluded that there are no 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. Having regard to the relatively small size of the subject property the Commission considered that its subdivision into two would have a negative impact on agriculture in that it would result in the creation of two rural residential parcels that would be too small for some forms of commercial agriculture. Agricultural options for the property would thus be reduced. Moreover bearing in mind that the property is similar in size to other nearby properties within the ALR approval of the application could increase the pressure for subdivision from other property owners in the area. Finally it would result in an increase in the number of residents in the area with a concomitant increase in the potential for conflict with agriculture.

## **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 B. Minor  
**SECONDED BY:** Commissioner G. Gillette

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 2799/2010**