



**Agricultural Land Commission**  
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November 23, 2010

Reply to the attention of Ron Wallace  
ALC File: 51790

Jeremy & Diana Walker  
Box 31  
Fort Steele, BC  
V0B 1N0

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 2748/2010 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 'KBU', is written over the printed name of the signatory.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 308)

RW/  
/51790d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27, 2010 in Cranbrook.

<b>PRESENT:</b>	Richard Bullock	Chair of the Commission
	Barry Minor	Chair of the Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Brian Underhill	Staff
	Ron Wallace	Staff

**For Consideration**

Application: 51790  
Applicant: Jeremy & Diana Walker  
Proposal: To subdivide the 83.7 ha property into four lots of approximately 21 ha each.  
Legal: DL 284 Kootenay District Except 1) Part included in RW Plan DD15976, 2) Plans 7825 & 17453 and NEP77399  
Location: 503 Wardner-Fort Steele Road, near Fort Steele

**Site Inspection**

A site inspection was conducted on October 27, 2010. Those in attendance were:

- Richard Bullock Chair of the Commission
- Barry Minor Chair of the Panel
- Jerry Thibeault Commissioner
- Gordon Gillette Commissioner
- Brian Underhill Staff
- Ron Wallace Staff
- Jeremy Walker Applicant
- Diana Walker Applicant

The Commission and staff met with the applicants to view the property and discuss the proposal to subdivide the property into four lots. The property is characterized by a ridge that extends adjacent to Wardner – Fort Steele Highway which is where the applicant’s house is located. Further west the property drops off quite steeply to Kootenay River where there is a hayfield and a marshy area on the northwest side 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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

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 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

#### Subclasses

T	topography
F	low fertility characteristics
X	cumulative and minor adverse
I	inundation (flooding by streams, etc.)
W	excess water

### **Assessment of Agricultural Suitability**

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. The Commission did not believe there are external factors that render the land unsuitable for agricultural use. While the subject property has some agricultural capability limitations as noted above, the Commission believed the proposed subdivision would further limit its suitability 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. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

### **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 Minor  
**SECONDED BY:** Commissioner Thibeault

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.*

AAND 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.

**CARRIED**  
**Resolution # 2748/2010**