



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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November 25, 2010

Reply to the attention of Ron Wallace  
ALC File: 51939

Bruce Woodbury  
Headwater Development  
Box 221  
Canal Flats, BC  
V0B 1B0

Dear Sir:

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

Please find attached the Minutes of Resolution # 2759/2010 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 214)

RW/  
/51939d1



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: 51939  
 Applicant: Carmen Gill  
 Agent: Bruce Woodbury  
 Proposal: To create a two lot subdivision consisting of a 3 ha parcel and 1.75 ha remainder.  
 Legal: Lot 2, DL 2710, Kootenay District, Plan NEP22414  
 Location: 182 Kikomun - Newgate Road, Lake Kooconusa

**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
- Bruce Woodbury                        Agent
- Carmen Gill                            Applicant

The Commissioners and staff met with the proponents to view the property and discuss the proposed subdivision. It was noted the property is mostly treed with hilly topography.

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

Subclasses

T topography

### **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 recognized the property is relatively small (4.7 ha) with some topographic limitations (Class 5), but believed that subdivision would further limit its agricultural potential. The Commission also did 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. It was believed by the Commission that in its present parcel size, the property has more agricultural potential than if it were subdivided as proposed. The Commission does not generally support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur on the property. The Commission also believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

### **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 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.*

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 # 2759/2010**