



Agricultural Land Commission
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March 7, 2011

Reply to the attention of Ron Wallace
ALC File: 52086

Jason & Billie Loewen
PO Box 1900
8922 Travis Road
Sparwood, BC V0B 2G0

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 58/2011 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 the 'Per:' label. The signature is fluid and cursive, with a long vertical stroke extending downwards from the end of the name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 116)

RW/
/52086d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 28, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair, of the Commission
	Barry Minor	Chair, of the Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff
	Ron Wallace	Staff

For Consideration

Application: 52086
Applicant: Jason & Billie Loewen
Proposal: To create a two lot subdivision consisting of a 1.2 ha parcel and an 8.0 ha remainder.
The Commission reviewed your application for subdivision including your letter to the Regional District of East Kootenay. In this letter you indicated that since purchasing the property you have put much time and effort in upgrading the home and property to a livable state for residential purposes. You state that although the property will not be used for agriculture, the proposed subdivision will not impact the agricultural capability of the property.

Legal: Lot 5 District Lot 4144 Kootenay District Plan 7605
Location: 8922 Travis Road, Elk Valley area

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 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

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

Subclasses

M soil moisture deficiency

Assessment of Agricultural Suitability

The Commission notes that the agricultural capability rating of your property is Class 5 with limiting subclass of moisture deficiency (dryness); improvable to Class 4 with same limiting subclass. In your submission you also indicated that the property's "soil at the present is not optimal for agricultural use, and would need to be upgraded." Further, you indicate that "The fields are very hilly, with rocky surface and years of soil erosion, which would not suit vegetation at this time."

The Commission recognizes the limitations 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 other ALR lands to the north which are used for ranching purposes.

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 believes that the subject parcel has 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 the proposal would impact existing or potential agricultural use of surrounding lands. The Commission's experience is that introducing small residential lots into an agricultural area has the long-term effect of increased subdivision, smaller parcels and residential uses rather than increased farm uses.

Therefore, the Commission did not believe that the creation of a new residential 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 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 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, 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 # 58/2011