



Agricultural Land Commission
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March 22, 2011

Reply to the attention of Ron Wallace
ALC File: 52094

Daniel & Amy Friedenberger
Box 754
Nakusp, BC
V0G 1R0

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 92/2011 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 a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Village of Nakusp (3320.01)

RW/
/52094d1



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: 52094
 Applicant: Daniel & Amy Friedenberger
 Proposal: To subdivide a 0.4 ha lot from the existing 4 ha parcel for the purpose of establishing a residential lot for family members. The new lot would incorporate the existing deactivated house on the property which is scheduled for demolition.
 Legal: Lot 130, District Lot 397, Kootenay District, Plan 980, Except Plans R370 and NEP65450
 Location: Village of Nakusp

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.

Subclasses

D undesirable soil structure
T topography

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 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. It was noted that the proposed new lot would be retained by the applicants' parents to live and help develop the property as a vineyard. The Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity.

The Commission believed that the subject parcel has 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. In this case the Commission believes that any subdivision of the property will have a negative impact on 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 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 to subdivide a 0.4 ha lot from the subject property 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 # 92/2011