



Agricultural Land Commission
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January 16, 2012

Reply to the attention of Lily Ford
ALC File 52249

Peter and Sylvia Grady
RR#1 Site 7 Comp 14
2986 Kirby Road
Slocan Park, BC
VOG 2E0

Dear Mr. and Ms. Grady:

Re: Application to Exclude Land from the Agricultural Land Reserve

Please find attached Minutes of Resolution #515/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Colin Fry, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay

LF/52249d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Chair
Jim Collins	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jerry Thibeault	Commissioner

COMMISSION STAFF PRESENT:

Lily Ford	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52249

PROPOSAL: Exclusion of an approximately 1 ha parcel.

(Application submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner:	Peter and Sylvia Grady (as Joint Tenants)
Date of Acquisition:	October 1, 2001
Parcel ID:	012-565-261
Title #:	KR165378
Legal Description:	Lot D, District Lot 7065, Kootenay District Plan 8173
Civic Address:	2986 Kirby Road, Slocan Park
Size:	1 ha
Area in ALR:	1 ha
Current Land Use:	Residential
Farm Classification: (BC Assessment)	No

SITE INSPECTION AND EXCLUSION MEETING:

A site inspection and exclusion meeting was conducted on September 15, 2011 following which a report was prepared. The site inspection report was certified by Commissioner Thibeault on October 24, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may

vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection report, certified by Commissioner Thibeault on October 24, 2011, constitutes a written record of the site inspection and exclusion meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 82F/12 (Scale 1:50,000) of the Canadian Land Inventory (CLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings for the entire property are:

Unimproved Rating: 8:4M – 2:5IM Improved Rating: 5:3M – 3:2X – 2:5IM

Class and Subclass Descriptions

- 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 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.

I inundation (flooding)
M moisture deficiency (droughtiness)
W excess water

The Commission considered these ratings and the observations regarding topography, soil conditions, vegetation, and surrounding agricultural use provided by Commissioner Thibeault and the site inspection report. The Commission noted that the subject property was flat and supported a wide variety of ornamental plants, and that nearby properties with the same agricultural capability ratings produced hay, field crops, and other agricultural products. Having

considered all of the above information, the Commission concluded that the property has good agricultural capability.

Agricultural Suitability

The Commission considered the location of the property in Slocan Park, a rural community in the Slocan Valley. It noted that although surrounding parcels are relatively small in size (3 ha or less) a number of them contain agricultural uses and the overall character of the area is rural. The Commission concluded that no external factors, such as encroaching non-farm development, limit the suitability of the property for agriculture.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission found that the subject property, while small, has agricultural potential. Furthermore, the Commission found that exclusion and subsequent subdivision or non-farm development of the subject property would impact existing and/or potential agricultural use of surrounding lands. For these reasons, the Commission concluded that the proposed exclusion would have a significant impact on agriculture.

Other Factors

- On March 30, 2011, the Regional District of Central Kootenay (RDCK) forwarded the application without comment. Planning staff noted that the application had been referred to the Area Director. No comments from the Area Director were received.
- The Slocan Park area was included in the 1991 Slocan Valley ALR Review. The review found that while the area is more parcelized than some parts of the Slocan Valley, it has good agricultural capability and a relatively large proportion of land in agricultural use. The review recommended retention of the area in the ALR.

DECISION:

IT WAS

MOVED BY: Commissioner Jerry Thibeault
SECONDED BY: Commissioner Lucille Dempsey

THAT the application be refused for the following reasons:

1. The subject property has good agricultural capability.
2. The subject property is suitable for agricultural use.
3. Exclusion of the subject property would have a significant impact on agriculture.

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 515/2011