



December 4, 2013

Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

ALC File: # 53009

Ross Priest
#112 – 17th Street South
Cranbrook, BC
V1C 0A1

Dear Sir:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 283/2013 as it relates to the above noted application. As agent it is your responsibility to provide this information to your clients.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #283/2013

cc: Regional District of East Kootenay File: P 712 418

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17th, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53009.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

PROPOSAL Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*

To subdivide a 2 ha lot from the 25.3 ha property for the applicant's son. The proposed lot is to be divided from the 5.3 ha portion of the subject property lying north of Stirton Road.

PROPERTY INFORMATION:

Owner: Silvertip Inc.

Agent: Ross Priest

Legal: PID: 015-083-357 DL 10370, Kootenay District, Except Plans 17117, NEP21014 and NEP71933

Location: Southeast of Kimberley

Size: 25.3 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

SITE INSPECTION

A site inspection was conducted on Wednesday, June 26th, 2013 at the subject property. Those in attendance included the Commissioner J. Thibeault, ALC staff Reed Bailey, the agent Ross Priest, and the agrologist R. McCuaig.

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. Commissioner Thibeault gave a verbal summary of the site visit to the Commissioners noted above.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the agricultural capability of the subject property.

Conclusion:

The Commission noted that the CLI ratings for the subject property are 40% 4F (2X) and 60% 5MP (4MP), and that the majority of the property is forested. The proposed subdivision would sever a 2 ha portion of the ~5 ha area of the property lying north of Stirton Road. The primary limiting factors for soil bound agriculture are stoniness, aridity and low fertility.

The Commission also reviewed the "*Agrologist Report.....*" submitted by Reiva McCuaig (MSc, PAg) dated May 10, 2013. The report indicated that the land had challenges for agricultural development as noted above, but that some improvements (clearing, stone picking, irrigation, and fertilization) had been undertaken, with limited success, by the current owners. The report concluded that subdivision would not negatively affect farmland in the area, and that the City limits of Kimberly will likely expand to include the property, whereupon a change in use from agriculture to residential is anticipated.

Notwithstanding the challenges to agricultural development outlined in the above noted report, the Commission believed that the land had capability for agricultural improvement and use.

2. The Commission considered the agricultural impacts of the proposed subdivision.

Conclusion:

The Commission noted that the proposed 2 ha lot would introduce a rural residence into this area and raise expectations of further subdivision north of the road. It is the Commission's perspective that if rural residential subdivision is routinely permitted in farm areas, then agricultural development and investment is dampened and residential pressures increase. The Commission believes that incremental small lot subdivision erodes farm capability and can eventually convert large farm parcels into fractured rural residential estates where little or no farming occurs.

3. The Commission considered its previous decisions and perspectives of the surrounding area.

Conclusion:

The Commission recalled that the adjoining property to the east was refused a similar subdivision in 2011 based on agricultural capability and impacts.

It was also noted that the area may be the subject of a future ALR boundary review, that will consider; soil capability, existing land uses, parcel sizes, and the potential expansion for the City of Kimberly. On balance, the Commission was not prepared to permit ad-hoc subdivision outside of the context of a more focused planning review that takes into account a balanced approach to agricultural land preservation and settlement pressures.

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Dempsey

THAT the application to subdivide a 2 ha lot from the 25.3 ha subject property be refused.

CARRIED

Resolution #283/2013