



Agricultural Land Commission
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December 4, 2013

ALC File: # 53052

Rob MacDonald
Focus Corp.
#303 535 Victoria Ave N.
Cranbrook, BC
V1C 6S3

Dear Sir:

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

Please find attached the Minutes of Resolution # 284/2013 as it relates to the above noted application. As agent it is your responsibility to provide the attached information to your client.

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: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #284/2013

cc: Regional District of East Kootenay File: P 712 325

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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 #53052.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowsell	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 the 14 ha property into two 4 ha lots and a 6 ha lot

PROPERTY INFORMATION:

Owner: JJAR Holdings Ltd..

Agent: Rob MacDonald

Legal: PID: 013-172-620 Block A, DL 27, Kootenay District, Plan 1566

Location: Cranbrook

Size: 14 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.
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SITE INSPECTION

A site inspection was conducted on Wednesday, May 1, 2013 at the subject property. Those in attendance included the Commissioner Bullock, Thibeault, and Gillette, ALC staff Lindsay McCoubrey, Reed Bailey, Ministry of Agriculture staff Darrell Smith, the agent Rob MacDonald (Focus), and the applicant Adam Lilleford.

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

COMMISSION CONSIDERATION

After considering the file and site visit 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 60% 4F (2X) and 40% 6:4CF 6:6T (6:3X 4:6T), and that the majority of the property is forested and unimproved for agriculture. The westerly portions of the property are in native grasses. The primary limiting factors for soil bound agriculture are seasonal moisture deficiency (M), low fertility (F), and severe climate (C) and topography (T). The proposed subdivision would provide for frontage for each of the proposed lots onto the adjacent to Standard Hill Road.

The Commission also reviewed the "*Agriculture Capability and Soils Assessment.....*" submitted by Consulting Agrologist David Yole (MSc, PAg) dated October 3, 2012. The report confirmed that the land had challenges for agricultural development as noted above, and concluded that approximately 32% of the property is arable, and 68 % is non-arable.

The Commission site visit and other soils information confirmed that there are challenges for soil bound agriculture on the property. However, the Commission also believed that the land has capability for agricultural uses.

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

Conclusion:

The Commission believed that the proposed ha lots would not result in additional agricultural activity, but rather in the land being used for residential purposes. It is the Commission's experience that lots of this size in the East Kootenay Region are generally not be used for agriculture. In addition if rural residential subdivision is routinely permitted in the ALR, then agricultural development and investment is dampened, and residential pressures increase.

3. The Commission considered existing local government bylaws and its potential long term vision for the property and the surrounding area.

Conclusion:

The Commission noted that the property is designated as RR-60 "Rural Resource" in the local government bylaw, which permits a minimum lot size of 60 ha. As such the subdivision proposal is not consistent with local government planning for this area.

The Commission recalled that there is potential for an ALC boundary review to be undertaken in collaboration with the Regional District of East Kootenay in this area. However, the Commission prefers to await the outcome of a review to determine appropriate parcel sizes, rather than permit ad-hoc subdivision that does not provide a clear agricultural benefit.

IT WAS

MOVED BY: Commissioner Collins
SECONDED BY: Commissioner Dempsey

THAT the proposal to subdivide the 14 ha property into three lots be refused.

CARRIED

Resolution #284/2013