



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

December 4, 2013

ALC File: #53145

Ward Engineering and Land Surveying Ltd
1014 Seventh Street
Nelson, BC
V1L 7C2

Dear Mr. Ward:

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

Please find attached the Minutes of Resolution #288/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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 white background. The signature is fluid and cursive, with a large, sweeping 'B' and 'U'.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #288/2013

cc: Regional District of Central Kootenay (File: 4810-20-A1303E-02092.000)



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 #53145.

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 ~ 1 ha lot for a residence from the southeast corner of the 17.8 ha property.

PROPERTY INFORMATION:

Owner: Nicholas and Mary Dosenberger

Legal: PID: 014-972-301
Lot "A", District Lot 306, Kootenay District, Plan 3087, Except part included in Plans 7286 and 8410

Location: Harrop Proctor Road, northeast of Nelson

Size: 17.8 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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COMMISSION CONSIDERATION

After considering the file information the Commission concluded as follows:

1. 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. The improved agricultural capability ratings identified on CLI map sheet 82F/11 for the subject property are 50% Class 2, 30% Class 4 and 20% Class 6.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel of land are X (combination of soil factors), M (moisture deficiency), P (stoniness) and T (topographic limitations).

Conclusion: The subject property has good agricultural capability and in its present size, could support a wide range of crops.

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

Conclusion:

The majority of the property is developed for agriculture. The Commission has significant concerns about the negative impacts of subdivision; most notably, is the concern regarding the introduction of an urban type lot onto a property actively in production.

Conclusion:

The proposal for subdivision is inconsistent with objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Dowswell

THAT the proposal to subdivide a ~1 ha lot from the 17.8 ha subject property be refused.

CARRIED

Resolution #288/2013