



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 16, 2014

ALC File: #53158

Michael J. Sweeny, Barrister & Solicitor
318 Purdy Road
New Denver, BC V0G 1S1

Dear Mr. Sweeney:

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

Please find attached the Minutes of Resolution #300/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

The Commission draws your attention to s. 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 (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'L. Fry', written over a white background.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #300/2014

cc: Regional District of Central Kootenay (File #4810-20-A1302K-01389.000)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 7, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC as it relates to Application #53158.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Colin Fry	Chief Tribunal Officer

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

To subdivide the 3.9 ha parcel into two equal parcels.

PROPERTY INFORMATION:

Owner: Johoco Ltd.

Legal: PID: 015-957-454
Lot 152, District Lot 397, Kootenay District, Plan 980, Except Plan 10360

Location: Nakusp

Size: 3.9 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:
- to preserve agricultural land;
 - to encourage farming on agricultural land in collaboration with other communities of interest; and
 - 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.

COMMISSION CONSIDERATION

After considering the 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 identified using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on CLI map sheet 82K/5 for the subject property are predominantly Class 3 with a small portion of the west side property rated Class 1.

Class 1 - land is capable of producing the very widest range of crops. Soil and climate conditions are optimum, resulting in easy management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are M (moisture deficiency) and P (stoniness).

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

Conclusion: The proposal for subdivision is inconsistent with objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture. Subdivision would reduce the agricultural options of the subject property.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Thibeault

THAT the proposal to subdivide the subject property be refused.

CARRIED

Resolution #300/2014