



Agricultural Land Commission
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August 8, 2007

Reply to the attention of Terra Kaethler
ALC File: #L-37421

Leffler Law Office
PO Box 1873 - 862 - 3rd Avenue
Ferne, BC V0B 1M0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 377/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (#P-707-107)

Enclosure: Minutes

TK/iv/37421d1.



A meeting was held by the Provincial Agricultural Land Commission on 13th July 2007 at the offices of the Integrated Land Management Bureau, Ministry of Agriculture and Lands, Cranbrook, B.C.

PRESENT:	Monika Marshall	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Terra Kaethler	Staff
	Roger Cheetham	Staff

For Consideration

Application: # L - 37421
Applicant: Dwaine and Florence Hutchinson
Agent: Leffler Law Office
Proposal: Subdivision for a Relative: to subdivide the 22.8 ha subject property into two (2) equal sized lots for two family members.
Legal: PID: 007-631-596
Lot A, District Lot 4588, Kootenay District, Plan 16535
Location: Crowsnest Highway, Hosmer

Site Inspection

A site inspection was conducted on July 12, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Roger Cheetham Staff
- Darrell Smith Agrologist, Ministry of Agriculture and Lands
- Dwaine Hutchinson Applicant
- Gordon Leffler Agent

The Commission met with the applicant and agent on the subject property and viewed the area to be subdivided. The Commission noted that the property is currently used to produce hay and graze cattle and horses. The applicant explained at the site visit that the property is owned by his mother (Florence Hutchinson) and subdivision would facilitate separate parcels for the applicant and his sister.

The applicant confirmed that the staff report dated June 29, 2007 was received and no errors were identified.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

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.

Discussion

Assessment of Agricultural Capability

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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is rated 70% improvable to Class 3 and 30% improvable to Class 4 with a limitation in moisture deficiency.

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.

The Commission considered that the property had reasonable agricultural capability and that the proposed subdivision of the property would reduce the agricultural potential of the parcel as a whole.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

In the Commission's view, the parcel has more agricultural value as a single unit than as two separate parcels. In general, the reduction of parcel size reduces the available options for agricultural use. The Commission believed that the proposed subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. The Commission also believed that the parcelization of properties within agricultural areas may impact existing or potential agricultural use of surrounding lands.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Griffin

SECONDED BY: Commissioner Marshall

THAT the application be refused.

CARRIED

Resolution # 377/2007



Staff Report
Application # L – 37421
Applicant: Dwaine and Florence Hutchinson
Agent: Leffler Law Office

DATE RECEIVED: May 10, 2007

DATE PREPARED: June 29, 2007

TO: Chair and Commissioners – Kootenay Panel

FROM: Jennifer Carson, Land Use Planner

PROPOSAL: Subdivision for a Relative: The proposal is to subdivide the 22.8 ha subject property into two (2) equal sized lots for two family members. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of East Kootenay

Legal Description of Property:

PID: 007-631-596
Lot A, District Lot 4588, Kootenay District, Plan 16535

Purchase Date:

June 1985

Location of Property:

Crowsnest Highway, Hosmer

Size of Property:

22.8 ha (The entire property is in the ALR).

Present use of the Property:

Residence, hayfield, grazing cattle and horses

Surrounding Land Uses:

WEST: Crown and Elk River
SOUTH: Residential
EAST: Highway 3, CP Rail, Trailer Court
NORTH: Farmland/grazing

Agricultural Capability:

Data Source: Agricultural Capability Map # 82G/10
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Elk Valley Land Use Strategy
Designation: Agriculture

Zoning Bylaw and Designation:

Elk Valley Zoning Bylaw No. 829 (1990)
Designation: RR-8, Rural Residential (Country) Zone
Minimum Lot Size: 8 ha

PREVIOUS APPLICATIONS:

Application #17889-0

Applicant: Shell Canada Resources Ltd.
Decision Date:
Proposal:
Decision:

RELEVANT APPLICATIONS:

Application #26720-0

Applicant: Marasco & Houston, A. & V.
Decision Date: October 22, 1992.
Proposal: Subdivision of a 4.0 ha parcel in half.
Decision: Refused as the property has agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

East Kootenay Regional District Board:

The Regional Board forwarded the application with a recommendation of support.

Advisory Planning Council for Area A:

Support application unanimously

Agricultural Advisory Committee:

Accepted as presented.

Staff:

The application be supported; the application is consistent with the Elk Valley Zoning Bylaw and the Elk Valley Land Use Strategy.

STAFF COMMENTS:

It is recommended that the Commission consider the following:

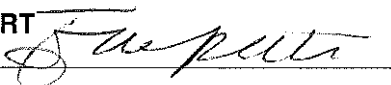
- The improved ratings for the agricultural capability classifications identify this property as having Class 3 and Class 4 lands.
- A site visit to the subject property will assist the Commission in better understanding the application.

ATTACHMENTS:

1. Sketch of Proposal
2. Agricultural Capability Maps
3. Aerial Photograph

END OF REPORT

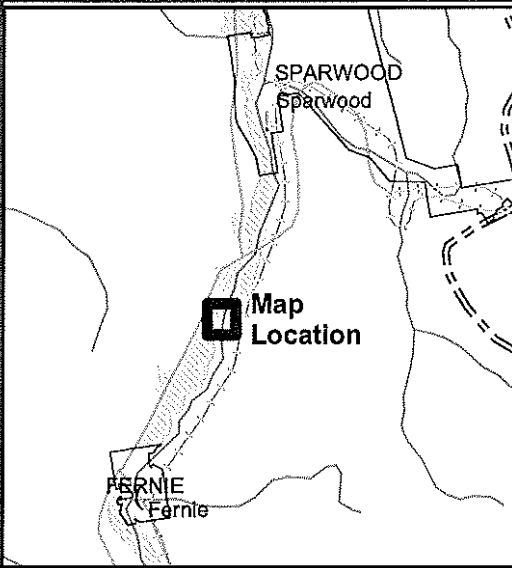
Signature



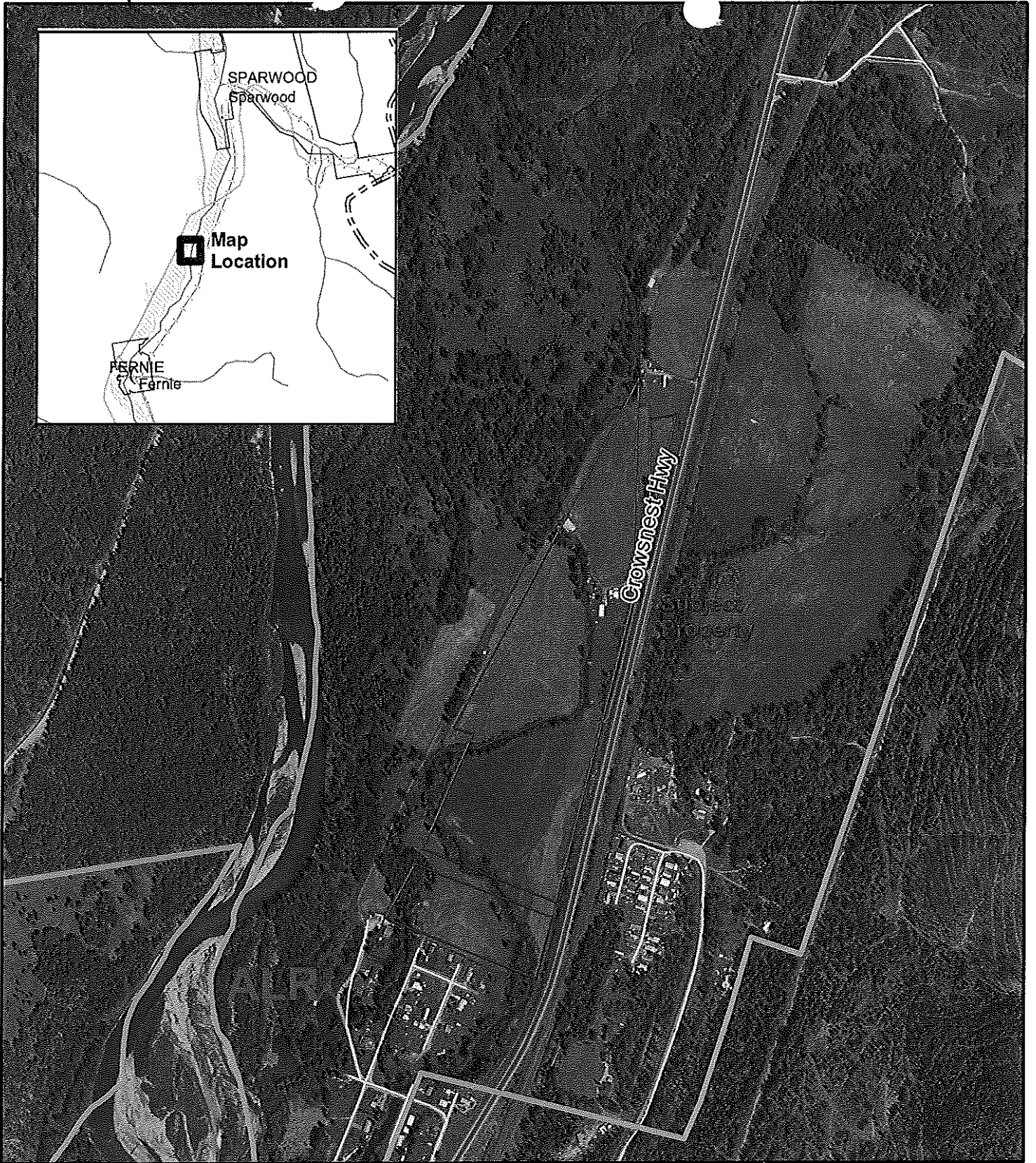
Date

June 29, 2007

114°58'0"W



49°36'0"N



114°58'0"W



Airphoto Map

Map Scale: 1:10,000



ALC File #: 21-07-37421

Mapsheet #: 82G/10

Map Produced: June 6, 2007

Regional District: East Kootenay