



Agricultural Land Commission
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Reply to the attention of Terra Kaethler
ALC File: L-37343

December 17, 2007

Dave & Susan McLeay
Box 79, 3080 Elko - Roosville Hwy #93
Grasmere, BC V0B1R0

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 659/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P706-207)

Enclosure: Minutes

TK/37343d1.doc



A meeting was held by the Provincial Agricultural Land Commission on November 1, 2007 in 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- 37343
Applicant: Dave & Susan McLeay
Proposal: Subdivide for a relative: To subdivide the 15.4 ha property as divided by Hwy 93 to create a 3.4 ha lot on the west side for owners' son, leaving a 12.0 ha farm on the east side of the highway.
Legal: PID: 016-413-695
Parcel B (see 57688I), District Lot 489, Kootenay District
Location: 3080 Elko-Roosville Hwy #93

Site Inspection

A site inspection was conducted on October 30, 2007. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Terra Kaethler Staff
- Darrell Smith Agrologist, Ministry of Agriculture and Lands
- Dave McLeay Applicant
- Heath Slee Electoral Area Director

The Commission met with the applicant and viewed the area under application. The applicant informed the Commission that the proposed subdivision was intended for a family member, and that the house would be built on the bank to minimize the impact on the agricultural area of the property. The Commission noted that the property was cleared and currently used for hay production and was in an agricultural area of predominantly large parcels.

The applicant confirmed that the staff report dated October 16, 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
- ...2

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 portion of the property west of the highway is improvable to Class 4 with limitations of stoniness and moisture deficiency. The remainder of the property is identified as improvable to Class 1 and Class 2 with a combination of soil limitations and unimprovable Class 6 with limitations of topography.

- Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly 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.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission considered that the majority of the property had medium to high agricultural capability and that subdivision may limit the options available for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The subject property is in an agricultural area of predominantly large parcels. Although the property is divided by a highway, the Commission did not believe this presented a substantial barrier to the agricultural use of the property as a whole. As such, the Commission did not believe there were 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. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. In addition, the creation of small, residential lots in agricultural areas has the potential to negatively impact present and future agricultural activity in the area.

The Commission believed that the subject parcel had more agricultural value as a single unit than as two separate parcels and that subdivision would negatively impact the agricultural opportunities suited to the subject property in the long-term.

Further, the Commission believed that subdivision of the subject parcel would encourage further parcelization of properties within agricultural areas and 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.

IT WAS

MOVED BY: Commissioner Purdy
SECONDED BY: Commissioner Marshall

THAT the application be refused.

CARRIED

Resolution # 659/2007