



**Agricultural Land Commission**  
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Reply to the attention of Terra Kaethler  
ALC File: L-37551

December 5, 2007

Abram Consulting Services Ltd.  
217 Industrial Rd F  
Cranbrook, BC V1C6N4

Dear Sirs:

**Re: Application for Non-Farm Use in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 641/2007 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', written over a white background.

Erik Karlsen, Chair

cc: Regional District of East Kootenay (P707-214)

Enclosure: Minutes

TK/37551d1.doc



**A meeting was held by the Provincial Agricultural Land Commission on November 01, 2007 in Cranbrook, B.C.**

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

### **For Consideration**

Application: # L- 37551  
Applicant: Reginald Marcer  
Agent: Abram Consulting Services Ltd.  
Proposal: Non-farm use to develop 320 sites for RV trailers and Park Model trailers on approximately 42 ha portion of the property. The subject property is 129.5 ha in size.  
Legal: 1. PID: 011-646-331  
Sublot 4 (see 23079I), District Lot 326, Kootenay District, Plan X26  
2. PID: 016-333-951  
Parcel 5, District Lot 326, Explanatory Plan 11461I, Kootenay District, Plan X26  
Location: 5464 and 5500 Green Road, Newgate Area

### **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 Struthers P.Ag (on behalf of applicants)
- Sean Abram Agent
- Doug Bender Agent
- Al Vickers Owner
- Approximately 10 other representatives on behalf of the applicant

The Commission met with the agents and other representatives of the application on-site. After a brief discussion about the application, the Commission drove through both properties to view the land under proposal. The Commission noted that the parcels were partially cleared and being used for pasture, and that there were topographic challenges in some areas. After viewing the property, the Commission discussed the application further with the agents and the Agrologist that prepared the Agricultural Capability Report of the subject properties.

The applicants 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
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**

The Commission reviewed the Agricultural Capability and Suitability Assessment Report, prepared for the agents of the application by the Interior Reforestation Co. Ltd. The report findings were that the majority of the subject property was Class 5, with limitations of soil moisture deficiency, topography, and fertility.

Although the Commission recognized that the agricultural capability of the subject property has limitations, the Commission considered that given the large size of the parcels, the agricultural capability of the property is reasonable, particularly for ranching or grazing activity. Further, the Commission considered that the agricultural capability ratings for this property are similar to surrounding lands in the area.

The Commission noted the applicants proposed improvements for agriculture, but did not believe that they overcame the negative aspects of the proposal.

#### **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 property is surrounded by lands currently utilized for ranching. The Commission was concerned that allowing the proposed non-farm use on the subject properties may render the subject properties and the surrounding area 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 discussed concerns about the impacts of the proposed development on the property and on the surrounding agricultural community. The Commission believed that the development proposal would lead to the increase in recreational activity in a predominantly agricultural area, which could have negative implications for agriculture. Further, the properties do not have lake access, which would result in increased traffic and other potential urban/rural conflicts. Therefore, the Commission believes that the proposal would negatively impact existing or potential agricultural use of the subject properties and surrounding lands.



The Commission also noted that the application was not supported by the Regional District, the Advisory Planning Commission, or the Agricultural Advisory Committee. The main concerns raised were the negative impact on the agricultural industry in the surrounding area, potential conflicts concerning road access and the impact of increased traffic in the area, and the lack of adequate public access to the lake. A further concern was the lack of land use planning in the Kookanusa area.

Therefore, in view of these concerns and due to the potential impact of the proposal, the Commission is not prepared to allow the application. The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission truly felt that your application was not in keeping with that mandate.

### **Conclusions**

1. That the land under application has similar agricultural capability to surrounding properties and is capable for ranching or grazing activity.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.

### **IT WAS**

**MOVED BY:** Commissioner Griffin  
**SECONDED BY:** Commissioner Marshal

THAT the application be refused as proposed.

### **CARRIED**

**Resolution # 641/2007**