



Agricultural Land Commission
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May 15, 2008

Reply to the attention of Jennifer Carson
ALC File: L-37732

Warren Jacober & Tracy McClure
RR#1, 141 Newgate Road
Elko, BC V0B1J0

Dear Mr. Jacober and Ms. McClure:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 246/2008 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 (P707-113)

Enclosure: Minutes

JC/37732d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 7, 2008 in Cranbrook, B.C.

| | | |
|-----------------|------------------|-----------------------|
| PRESENT: | Monika Marshall | Chair, Kootenay Panel |
| | Carmen Purdy | Commissioner |
| | D. Grant Griffin | Commissioner |
| | Jennifer Carson | Staff |

For Consideration

| | |
|--------------|---|
| Application: | # L- 37732 |
| Applicant: | Warren Jacober & Tracy McClure |
| Proposal: | To subdivide the 16 ha property to create two 8 ha lots. |
| Legal: | PID: 015-827-356 |
| Location: | Lot A, District Lot 2244 and 11491, Kootenay District, Plan 18776 141 Kikomun-Newgate Road |

Site Inspection

A site inspection was conducted on May 7, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Tracy McClure Applicant

The Commission met with Mrs. McClure to discuss the application and view the property. Mrs. McClure explained that her husband was working in Edmonton as a pipe fitter and thus was unable to be present at the site visit. Mrs. McClure further explained that the application is being made for personal reasons, as although they like living in the country, Mr. Jacober's work takes him away from home for long periods of time. If they were permitted to subdivide their property, Mr. Jacober could retire and be home with his wife, and there would be another neighbour close by for company. The Commission explained to Mrs. McClure that the Commission cannot make decisions based on personal circumstances. The prolific wells on the property at 30 and 125 gallons per minute and the similar sized surrounding parcels were also discussed. Mrs. McClure also mentioned that a neighbour hays the lower portion of her property.

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 improved ratings for the agricultural capability of the soil of the subject property are:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

| | | | |
|---|--------------------------|---|------------|
| M | soil moisture deficiency | T | topography |
|---|--------------------------|---|------------|

The Commission's visit to the property confirmed that the majority of the property was Class 3, with some Class 5 where the house is situated.

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 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 it would be inappropriate to subdivide agricultural land based solely on non-agricultural arguments and discussed that it cannot consider personal circumstances to the detriment of the agricultural potential of the property. The surrounding parcels are of a similar size and being farmed and as such the Commission does not want to introduce more residences into the rural agricultural area. The property has proven agricultural potential and as such should remain as one parcel. The Commission believes the proposal will impact existing or potential agricultural use of surrounding lands.

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 Purdy
SECONDED BY: Commissioner Marshall

THAT the application be refused.

CARRIED

Resolution # 246/2008