



Agricultural Land Commission
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April 18, 2008

Reply to the attention of Jennifer Carson
ALC File: F-37778

Bruce and Analee Anderson
PO Box 627
Creston, BC V0B1G0

Dear Mr. and Mrs. Anderson:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 142/2008 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 Central Kootenay (A0726C-06095-100)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 27, 2008 in Cranbrook, B.C.

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

For Consideration

Application: # F- 37778
Applicant: Bruce and Analee Anderson
Agent: Lorne Mann
Proposal: To exclude the 2.2 ha subject property from the ALR.
Legal: PID: 006-246-478
Lot 1, District Lot 9554, Kootenay District, Plan 17139, Except Plan NEP21073
Location: Creston

Site Inspection

A site inspection was conducted on March 26, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Roger Cheetham Staff
- Jennifer Carson Staff
- Bruce Anderson Applicant

The Commission met with Mr. Anderson at the subject property to discuss the proposed exclusion of the property. The Commissioners walked the property and noted that three buildings were constructed on a rocky outcrop and there was one modular home on the property. There was also a grass field on the property. According to Mr. Anderson, this portion of the property at one time was planted with cherry trees, however, he explained this venture was not successful as under the 6 inches of topsoil, there was bedrock. It was mentioned that a neighbour used to take alfalfa off this field but there was not enough water on the property to make it worthwhile. Mr. Anderson mentioned that his family has owned the property for 100 years. When the property was included into the ALR with its inception in 1972, the property had three dwellings on it. Approximately 15 years ago, the applicant's parents moved into the modular home placed on the subject property. Last year his parents moved away and the modular home was not moved and is currently rented out. Mr. Anderson also explained that he had taken down the original house his grandparents built and replaced it with a newer house he built for himself. It was also discovered that one of the conditions of the local government to allow the newest building to be constructed was that the kitchen had to be removed from the 60 year old house (the most northerly dwelling). The removal of the kitchen from the house was not done as the local government required.

Mr. Anderson also provided the Commission with a letter he had taken around the neighbourhood indicating that they had no objections or issues with removing his property from the ALR, eight of his neighbours had signed the letter. Mr. Anderson mentioned that the only neighbour that was against the application was concerned about the potential of higher taxes as a result of a successful application.

Mr. Anderson explained that this application was submitted because a formal complaint had been lodged due the four dwellings on his property. Local government staff indicated to Mr. Anderson that if he made an exclusion application they would be able to follow through with the rezoning of the property. Mr. Anderson indicated that his main intent with the application is to retain the buildings on the property and that he did not have strong feelings either way regarding its ALR status. He also mentioned that it would be no problem for him to remove the modular home which his parents no longer occupy, and if required he would prefer to remove the smaller one bedroom house from the 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 agricultural capability of the soil of the subject property is

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.

Subclasses

- R shallow soil / bedrock outcroppings
T topography

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commissioners noted that while the subject property contained the rocky bluff on which the dwellings were constructed, the surrounding parcels had agricultural potential, and further that exclusion of the property would create a pocket of non-ALR which would have adverse impacts on the surrounding agricultural lands. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commissioners also discussed that there were three dwellings on the property when the property was placed in the ALR in 1972. Also, all of the dwellings are situated on the rock bluff which has minimal agricultural capability. As a result the Commission discussed the retention of three dwellings on the subject property, with the condition that one of the existing dwellings, possibly the modular home, being removed.

Conclusions

1. That the land under application has some agricultural capability and is appropriately designated as ALR.
2. That the proposal will impact agriculture.
3. 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. Further, the Commission will allow three (3) dwellings to remain on the property and will leave it to the applicant to determine which of the four dwellings will be removed.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 142/2008