



Agricultural Land Commission
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May 15, 2008

Reply to the attention of Jennifer Carson
ALC File: H-37833

Headwaters Development
Box 221
Canal Flats, BC V0B1B0
Attention: Bruce Woodbury

Dear Mr. Woodbury:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 243/2008 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:


Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2369-A)

Enclosure: Minutes

JC/37833d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 6, 2008 in Invermere, B.C.

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

For Consideration

Application: # H- 37833
Applicant: Margaret-Anne Bodie
Agent: Headswaters Development
Proposal: The proposal is twofold;
 1. To undertake a boundary adjustment in order to consolidate the
 isolated portions of each property that straddle the highway by
 consolidating them with the larger lot in order to realign the
 existing two lots, respectively east and west of Highway 95.
 2. To subdivide two properties, one of 15.5 ha and the other of 7.6
 ha, to create seven (7) 1.0 ha lots, one (1) 8.9 ha lot.
Legal: 1. PID: 016-535-278
 Legal Subdivision 2, Section 20, Township 26, Range 21, West
 of the 5th Meridian, Kootenay District
 2. PID: 016-535-260
 That Part of Legal Subdivision 3, Section 20, Township 26,
 Range 21, West of the 5th Meridian, Kootenay District, lying to
 the East of the Right Bank of the Columbia River, Except Part
 Coloured Pink on RW Plan DD 2254
Location: South of Nicholson - 991 Highway 95 South

Site Inspection

A site inspection was conducted on May 6, 2008. Those in attendance were:

- Monika Marshall Chair, Kootenay Panel
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Darrell Smith Regional Agrologist
- Margaret-Anne Bodie Applicant
- Bruce Woodbury Agent

The Commission met with Ms. Bodie and Mr. Woodbury to discuss the application and view the subject property. The Commission drove up Flemstrom Road to view the larger portion of the property south of Flemstrom Road. Mr. Woodbury provided sketches of the subdivision according to what the local government was suggesting as an alternative, with two 1.0 ha lots north of Flemstrom Road. Ms. Bodie explained that her grandparents had owned the property and since she had become the owner she has farmed in various crops. She indicated that she has substantial water on the property with a well on the north side and south side of the property. The Commission viewed the areas proposed for subdivision north and south of Flemstrom Road. Ms. Bodie

explained that she wanted to keep a forested buffer between the parent parcel and the proposed lots which could be used as hobby farms.

Ms. Bodie also explained that she has a hostel/ woofer house (for participants of the World Wide Opportunities on Organic Farms) on her property in conjunction with Applewood Farm. The Commission was impressed with Ms. Bodie's innovative ideas for pursuing agriculture and farming of 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 for the majority of the subject property is

Class 4 – Land in this class has limitations that require special management practices or severely 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
P	stoniness
T	topography

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 currently being farmed, demonstrating its suitability for agriculture. The forested portion of the property proposed for the new hobby farm parcels, if cleared would likely have a similar suitability 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 agrees that the boundary adjustment to divide the properties by the highway appears to be appropriate. However, the subdivision of small lots for the purpose of creating hobby farms is problematic. The Commission is not in support of the parcelization of potential farm land and furthermore is wary of the introduction of smaller hobby farms in the area. The Commission believes that the subdivision proposal would adversely impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission has no problem with the proposed boundary adjustment as divided by the highway. With regards to the remainder of the proposal, the Commission is reluctant to allow the creation of residential lots between two farms, however, would consider looking at a boundary adjustment of the portion of the property north of Flemstrom Road with the property to the north.

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 subdivision portion of the proposal will adversely impact agriculture.
4. The boundary adjustment portion of the application will not adversely impact agriculture.

IT WAS

MOVED BY: Commissioner Marshall

SECONDED BY: Commissioner Griffin

THAT the application be refused as proposed.

CARRIED

Resolution # 243/2008