



Agricultural Land Commission
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October 28, 2008

Reply to the attention of Jennifer Carson
ALC File: Q-38294

Horst Heidenreich
1435 Kelly Road
Bridesville, BC V0H1B0;

Petra Heidenreich
3715 Lornell Crescent
Peachland, BC, V0H1X2

Dear Mr. & Mrs. Heidenreich:


Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 659/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Kootenay-Boundary (E-891s-04197-000)

JC/
i/38294d1



A meeting was held by the Provincial Agricultural Land Commission on October 2, 2008 in Rock Creek, B.C.

PRESENT:	Roger Mayer	Commissioner
	Carmen Purdy	Commissioner
	D. Grant Griffin	Commissioner
	Jennifer Carson	Staff

For Consideration

Application: # Q- 38294
 Applicant: Petra & Horst Heidenreich
 Proposal: Subdivision for a Relative: To subdivide the 124.2 ha subject property into three parcels of approximately 6 ha, 29 ha and 89.2 ha in order to facilitate a divorce settlement and provide their son with a lot.
 Legal: PID: 014-897-261
 District Lot 891S, Similkameen Division Yale District, Except Plans 34368, 35109 and H17963
 Location: 1435 Kelly Road, west of Bridesville

Site Inspection

A site inspection was conducted on October 2, 2008. Those in attendance were:

- Roger Mayer Commissioner
- Carmen Purdy Commissioner
- D. Grant Griffin Commissioner
- Jennifer Carson Staff
- Petra Heidenreich Applicant
- Horst Heidenreich Applicant

The Commission met with the applicants at the subject property to discuss the subdivision application. The applicants explained that they currently have sheep on the property and have had horses and cattle in the past. The applicants explained that they had proposed the lot configuration they had in order to keep what they believed to be the better agricultural land within one property and leave enough land in the remaining two parcels that some form of hobby farm could work on each property. The applicants also explained the difficulty in getting a good hay crop each year, and that even with irrigation their neighbors have been unable to get more than one and a half crops per year.

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 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.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

P stoniness

T topography

Assessment of Agricultural Suitability

The Commission assessed whether 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. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available 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 active agricultural areas such as where this property is situated and may impact agricultural use of surrounding lands. It was noted that there has been substantial grazing activity in the surrounding Crown land area.

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.
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 Griffin

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED

Resolution # 659/2008