



Agricultural Land Commission
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October 28, 2008

Reply to the attention of Jennifer Carson
ALC File: F-38464

Willow Spring Holdings Ltd
201-Y525-101 Street
Edmonton, AB T6E5C6

Dear Mr. Lammerink:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 643/2008 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 Central Kootenay (A0827B-0279-000)

JC/
i/38464d1



A meeting was held by the Provincial Agricultural Land Commission on September 30, 2008 in Creston, B.C.

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

For Consideration

Application: # F- 38464
Applicant: Willow Spring Holdings Ltd.
Proposal: To subdivide the 15.8 ha subject property into two parcels of 7.9 ha.
Legal: PID: 013-570-072
Lot 1, District Lot 812, Kootenay District, Plan 7664
Location: Huscroft south of Creston. Huscroft Road and Canyon-Lister Road

Site Inspection

A site inspection was conducted on September 30, 2008. Those in attendance were:

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

The Commission noted that the applicant had been notified and was agreeable to the Commission viewing the property in his absence. The Commission viewed the subject property and noted the field which appears to be being used for agricultural purposes. Furthermore, when visiting this property, the Commission viewed a substantial amount of agricultural activity in the area.

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

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 # 643/2008