



**Agricultural Land Commission**  
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November 10, 2009

Reply to the attention of Martin Collins  
ALC File: 38698/45632

Richard and Beatrice Carrington  
2360 Upper Glade Road  
Castlegar, B.C.  
V1N 4R5

Dear Sir/Madam:

**Re: Application to Subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 1273/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Central Kootenay (A08321-01619-680)

MC//38698d1



**A meeting was held by the Provincial Agricultural Land Commission on Tuesday November 3, 2009 at Cranbrook, B.C.**

<b>PRESENT:</b>	Barry Minor	Chair, Kootenay Panel
	Carmen Purdy	Commissioner
	Jerry Thibeault	Commissioner
	Erik Karlsen	Chair
	Roger Cheetham	ALC Staff

### **For Consideration**

Application: 38698/45632  
Applicant: Richard and Beatrice Carrington  
Proposal: To subdivide a 0.8 ha lot from the 4 ha property. Subsequently in an e-mail dated April 25, 2009 the applicant increased the size of the proposed lot to 1 ha, and its location to the north property boundary.  
Legal: PID 014 959 526 Lot 10, DL 302A, KD, Plan 2953  
Location: Glade, south of Nelson

### **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 and Suitability**

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.

The unimproved agricultural capability of the soil of the subject property is complex;

70% Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

30% Class 6 – Land in this class is non-arable but is capable of producing native and uncultivated perennial forage crops.

The improved ratings indicate that the majority of the property is as follows;

- 70% Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 30% Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The limiting subclasses are seasonal moisture deficit and stoniness. However, the Commission believed that this land was capable of agricultural development and that there were no adjoining or nearby land uses that rendered the land unsuitable for agricultural uses.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the subdivision proposal against the long term goal of preserving agricultural land. The Commission believes subdivision would narrow the range of agricultural options available to the property and reduce the likelihood of agricultural activity. Its experience is that smaller lots are more likely to be used for rural residential rather than agricultural purposes.

### **Conclusions**

1. That the land under application has agricultural capability and is suitable for agricultural uses.
2. That the subdivision proposal will reduce the potential for agricultural activity to be undertaken on the land.

### **IT WAS**

**MOVED BY:** Commissioner J. Thibeault  
**SECONDED BY:** Commissioner C. Purdy

THAT the application to subdivide a 1 ha lot from the 4 ha property 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.

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 # 1273/2009**