



Agricultural Land Commission
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November 10, 2009

Reply to the attention of Martin Collins
ALC File: 38845/45794

Marion, Richard and Linda Henke
205 Henke Road
Highway #6 East,
Nakusp, B.C.
V0G 1R0

Dear Sir/Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 1276/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Central Kootenay (4035-20A0903K-01446)

MC/i/38845d1



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

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

For Consideration

Application: 38845/45794
Applicant: Marion, Richard and Linda Henke
Proposal: To subdivide the 15.8 ha property into two lots of equal size (~7.9 ha)
Legal: PID 005-366-160 Parcel 4 (Ref Plan 6947I) , DL 398, KD
Location: Rural Nakusp

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;

70% Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

30% Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The limiting subclasses are unfavourable soil structure and other minor but unspecified cumulative impacts. The land is cleared and used for pasture.

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 was concerned that the subdivision would narrow the range of agricultural options and increase pressures to further subdivide the land. It is the Commission's experience is that smaller lots offer a narrower range of agricultural options and are more likely to be used for rural residential rather than agricultural purposes.

Conclusions

1. That the land under application has very good agricultural capability and is suitable for agricultural uses.
2. That subdivision will reduce the potential agricultural options and decrease the likelihood that agricultural activity will occur on the land.

IT WAS

MOVED BY: Commissioner J. Thibeault

SECONDED BY: Commissioner C. Purdy

THAT the application to subdivide the 15.8 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.

CARRIED

Resolution # 1277/2009