



Agricultural Land Commission
133-4940 Canada Way
Vernaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 25, 2009

Reply to the attention of Martin Collins
ALC File: 38930/45891

Basque Ranch Ltd.
RR #2, Site 101, Box 12
3708 Kettle Valley South Road
Rock Creek, B.C.
V0H 1Y0

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:

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Kootenay Bounday (E-215-02332.000)

MC/38930 (45891)d1

The unimproved 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.

The limiting subclass is seasonal moisture deficiency.

The improved agricultural ratings are complex:

30 % Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

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

The land is improved for agricultural development and is in both pasture and irrigated hay production.

The Commission recognized that the westerly half of the property had better agricultural capability and was more intensively developed than the easterly portion. However, the Commission also believed that the 49 ha farm unit, in its current size and configuration was better suited to a long term agricultural future (as is typically practiced in the region) than are two smaller units.

Assessment of Impact on Agriculture

The Commission assessed the impact of the subdivision 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 that larger parcels offer a wider range of agricultural options and are more likely to remain in agricultural production. The Commission also noted that if subdivision were permitted a new homesite would also need to be constructed on the westerly parcel, reducing its agricultural potential.

Other Considerations

The Commission appreciated that the landowners wanted to stay in their home, but noted that they did not qualify for consideration under Homesite Severance Policy because they purchased the property in 1980. In addition without subdivision the applicants could remain in their home as long as they are able, because it is possible to rent or lease either the land (or portions) to another agricultural operator.

Finally the Commission noted that the Regional District and the Advisory Planning Committee did not support the proposal.

Conclusions

1. That the land under application has agricultural capability and is suitable for agricultural uses.

2. That the subdivision of the property will narrow agricultural options and result in the loss of arable land for a new homesite.
3. That the subdivision was not supportive of an agriculture future for the property.

IT WAS

Moved BY: Commissioner J. Thibeault
SECONDED BY: Commissioner B. Minor

THAT the application to subdivide the subject property into two lots be refused as proposed.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 1276/2009