



Agricultural Land Commission
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June 18, 2010

Reply to the attention of Terra Kaethler
ALC File: 51631

Brian Wolf, Natasha Fochler
PO Box 54
Lot #10, Beaver Creek Road
Beaverdell, BC
V0H 1A0

Dear Mr. Wolf and Ms. Fochler:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2513 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kootenay-Boundary, 202-843 Rossland Ave, Trail, B.C. V1R4S8
(E-1466-04779.005)

TK/
/51631d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 14, 2010 at the offices of the Ministry of Environment located at 205 Industrial Road, Cranbrook, B.C.

PRESENT: Barry Minor	Chair, Kootenay Panel
Jerry Thibeault	Commissioner
Roger Mayer	Commissioner
Roger Cheetham	Staff

For Consideration

Application: #51631
Applicant: Brian Wolf, Natasha Fochler
Proposal: To subdivide the 8.8 ha property into two parcels as separated by Beaver Creek
Legal: 002-951-665
Location: Lot 1, DL 1466, Similkameen Division Yale District, Plan 34487
Location: Beaver Creek Road, northeast of Beaverdell

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 subject property is improvable to 70% Class 3 and 30% Class 5 with limitations of moisture deficiency, excess water and inundation.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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 Commission considered that the majority of the property was identified as being improvable to prime capability for agriculture. As such, it was held that subdivision would

serve to compromise its agricultural potential. Further, the Commission considered that the agricultural capability ratings for this property are similar to, if not better than, surrounding lands in the area.

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 noted that Beaver Creek divided the property, but did not consider it to be a barrier to farming the property as a whole. As the property has agricultural capability, and is being actively farmed, it 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. It is the Commission's experience that smaller parcels are correlated with less (not more) agricultural activity, and increased subdivision and rural residential pressures.

As such, the Commission believes that the subject parcel had more agricultural value 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 believes the proposal would impact existing or potential agricultural use of surrounding lands.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission truly felt that your application was not in keeping with that mandate.

Assessment of Other Factors

The Commission noted that there was no support of the proposal from the Regional District Board, Planning staff, or from the Advisory Planning Commission, and took their comments into consideration.

Conclusions

1. That the land under application has agricultural capability..
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 Minor
SECONDED BY: Commissioner Mayer

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 # 2513