



Agricultural Land Commission
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June 17, 2010

Reply to the attention of Terra Kaethler
ALC File: 51696

David Olexin, Marlene McKinnon
P.O. Box 79
Brisco, BC V0A 1B0

Dear Mr. Olexin and Ms. McKinnon:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2515 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 East Kootenay, 19-24th Ave. S., Cranbrook, V1C 3H8

TK/
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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: #51696
 Applicant: David Olexin, Marlene McKinnon
 Proposal: To subdivide approximately 0.62 ha from the 5.9 ha lot to provide residence for the applicant's parents
 Legal: 010-916-091
 Lot A District Lot 1904 Kootenay District Plan 13435
 Location: Highway 95

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 soil of the subject property is identified as Class 4 and Class 6, with limitations of stoniness and topography.

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The Commission recognizes the limitations in agricultural capability on the subject property. However, it was held that subdivision would further serve to compromise its agricultural potential. Further, the Commission considered that the agricultural capability ratings for this property are similar to 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 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. 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. While the Commission is sympathetic to the family circumstances cited by the applicants, this cannot be considered by the Commission as reason for subdivision of agricultural land. The Commission's experience is that introducing small residential lots into an agricultural area has the long-term effect of increased subdivision, smaller parcels and residential uses rather than increased farm uses.

Therefore, the Commission did not believe that the creation of a new residential lot in this area would be beneficial to agriculture. 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.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
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 Thibeault

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 # 2515