

Agricultural Land Commission

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June 21, 2010

Reply to the attention of Jennifer Carson ALC File: #51726

Leffler Law Office Gordon Leffler Box 1873 862 - 3rd Avenue Fernie, BC V0B 1M0

Dear Mr. Leffler:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2526/2010outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Sparwood

JC/ /51726d1

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 G., Cranbrook, B.C.

PRESENT:

Barry Minor

Chair, Kootenay Panel

Jerry Thibeault Roger Mayer Commissioner

Roger Cheetham

Commissioner Staff

For Consideration

Application:

51726

Applicant:

District of Sparwood

Agent:

Leffler Law Office- Gordon Leffler

Proposal:

To exclude the 2.4 ha property from the ALR.

Legal:

PID: 027-557-910

Lot A, District Lots 4135 and 6251, Kootenay District, Plan NEP86972

Location:

1000 Matevic Road, Sparwood

Site Inspection

There was no site inspection for this application.

Gordon Leffler confirmed that the staff report dated June 2, 2010 was received and no errors were identified but indicated that the applicants wished the Commission to note the small parcel size of the subject property in relation to a "typical" agricultural parcel of land.

Exclusion Meeting

The applicant waived the right to an exclusion meeting via an email June 7, 2010 from the agent Gordon Leffler.

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:

- 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 improvable to

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

C adverse climate

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. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

Assessment of Other Factors

The Commission noted that the subject property is currently designated within the OCP for park and recreation and is zoned as Agricultural. The Commission believed that this type of application would be best discussed within the context of an OCP review.

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 Mayer

SECONDED BY:

Commissioner Thibeault

THAT the application be refused.

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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 # 2526/2010

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