



**Agricultural Land Commission**  
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November 19, 2010

Reply to the attention of Ron Wallace  
ALC File: #51887

Lorraine Schmidt  
c/o Integrated Land Management Bureau  
1902 Theatre Road  
Cranbrook, BC  
V1C 7G1

Dear Madam:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #2738/2010 outlining 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:

A handwritten signature in purple ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: District of Invermere (ILMB File # 3410172)

RW/  
/51887d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 27, 2010 in Cranbrook, BC.

<b>PRESENT:</b>	Richard Bullock	Chair of the Commission
	Barry Minor	Chair of the Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Brian Underhill	Staff
	Ron Wallace	Staff

### For Consideration

Application: 51887  
Applicant: Province of British Columbia Crown Lands  
Agent: Lorraine Schmidt, ILMB  
Proposal: The Integrated Land Management Bureau, on behalf of the Province is proposing to exclude from the ALR that part of District Lot 4616 lying west of the Westside Road within the District of Invermere, to facilitate development of the Crown lands for municipal park and housing. The area proposed for exclusion from the ALR is approximately 55.6 ha.

ILMB is currently exploring a land development partnership agreement with Shuswap Indian Band and Akisq'nuk First Nation (Columbia Lake Indian Band) and the District of Invermere for community economic development purposes, park creation and provision of housing where the demand is not being met by private sector developers.

Legal: District Lot 4616 Kootenay District, Except Plans 1052, 1203, 1448, 1486, 3019, 4450, 4602, and 6223.  
Location: Westside Road, south of Invermere

### Site Inspection and Exclusion Meeting

A site inspection was conducted on October 26, 2010. Those in attendance were:

- |                    |                               |
|--------------------|-------------------------------|
| • Richard Bullock  | Chair of the Commission       |
| • Barry Minor      | Chair of the Panel            |
| • Jerry Thibeault  | Commissioner                  |
| • Gordon Gillette  | Commissioner                  |
| • Brian Underhill  | Staff                         |
| • Ron Wallace      | Staff                         |
| • Lorraine Schmidt | Applicant                     |
| • Bob Campsall     | Councilor for D. of Invermere |
| • Chris Prosser    | CEO, D. of Invermere          |

The Commissioners and staff met with the proponents at the subject property to discuss the application and view the site. It was observed that the property is somewhat hilly with rocky characteristics, but that the land has potential for ranch use.

## **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

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

### Subclasses

P      stoniness  
T      topography

### **Assessment of Agricultural Suitability**

The Commission noted that a previous Panel decision resulted in the exclusion of ALR land to the immediate south and west of the subject property resulting in planned but yet to be established non-farm development on these lands. While this decision may affect the agricultural suitability of the subject land by isolating it from other ALR land, the Commission still believes it has agricultural potential for ranching purposes.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In this context the Commission carefully considered this application, especially in light of previous decisions made to the south and west of the subject property as noted above. As this property has been historically used for cattle grazing, the Commission believes the land still has agricultural potential for this purpose and as a result is not prepared to exclude it from the ALR.

However, in light of the proposed use of the property for park and housing purposes the Commission would like to draw your attention to uses permitted under the ALC Act and Regulations. The Commission believed that while the regulations do not permit housing development uses within the ALR, the use of the land for park purposes, as outlined in BC Regulation 171/2002, was consistent with the Commission's mandate to preserve agricultural

land and encourage farming. The Commission noted that under section 3(1)(f)(g) it states the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by law of the applicable first nation government:

- (f) biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes, as long as the area occupied by any associated building and structures does not exceed 100 m<sup>2</sup> for each parcel;
- (g) use of an open land park established by a local government or treaty first nation government for any of the purposes specified in paragraph (f).

### 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 negatively 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 Gillette

**SECONDED BY:** Commissioner Minor

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

### CARRIED

Resolution # 2738/2010