



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

9<sup>th</sup> December 2010

Reply to the attention of Ron Wallace  
ALC File: 51973

Hoefsloot Land Surveying Ltd.  
P.O. Box 2740  
Grand Forks, BC  
V0H 1H0

Dear Sir:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 2772/2010 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:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kootenay Boundary

rc/  
/51973d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 16<sup>th</sup> November 2010 in Nelson, BC

<b>PRESENT:</b>	Richard Bullock	Chair of Commission
	Barry Minor	Chair, North Panel
	Jerry Thibeault	Commissioner
	Gordon Gillette	Commissioner
	Roger Cheetham	Staff

### For Consideration

Application: 51973  
 Applicant: Christoph Zam  
 Agent: Hoefsloot Land Surveying Ltd.  
 Proposal: To create four 4-5 ha lots on the east side of Boundary Creek  
 Legal: PID: 014 947 706 Similkameen Division Yale District  
 Location: 2725 Boundary Creek Road

### Site Inspection

A site inspection was conducted on 16<sup>th</sup> November 2010. Those in attendance were:

- Richard Bullock                      Chair of Commission
- Barry Minor                            Chair of Kootenay Panel
- Jerry Thibeault                        Commissioner
- Gordon Gillette                        Commissioner
- Roger Cheetham                        Staff
- Christoph Zam                           Applicant

The applicant referred the Commission to his agent for further information, with whom the Commission subsequently discussed the application later in the day. The Commission noted that the area proposed for subdivision appeared to have grazing potential, notwithstanding stoniness and topography limitations, which the agent emphasized impose significant constraints on agriculture.

### 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 portion of the subject property that is to be subdivided is rated as 70% Class 5 and 30% Class 4, improvable to 70% Class 4 and 30% Class 6 with topographic limitations. The Regional District has indicated that information provided by Herb Luttmending in connection with the Boundary Agricultural Area Plan differs a little from the CLI mapping information and indicates that topography, an adverse climate and stoniness limitations restrict soil improvement.

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

### **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 did not believe that there are external factors that render the land unsuitable for agricultural use. The Commission acknowledged that the soils have lower capability ratings than those in the valley that comprise the bulk of the farm property but it nevertheless considered that they have potential for some forms of agriculture, in particular for livestock grazing.

### **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 considered that the creation of four additional lots would reduce agricultural options for the property and would introduce more rural subdivision into the area, thereby creating more potential for conflict between residential development and agriculture. In addition they could result in more pressure being exerted on the ALR for subdivision elsewhere in the valley.

### **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 J. Thibeault  
**SECONDED BY:** Commissioner G. Gillette

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.

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 # 2772/2010**