

Agricultural Land Commission
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June 22, 2011

Reply to the attention of Lily Ford
ALC File 51897

Victoria Hockley
2350 Canyon Lister Road
Canyon, BC
V0B 1G2

Dear Ms. Hockley:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 206/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

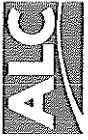
Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of Central Kootenay

LF/51897d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 27, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Roger Cheetham	Regional Planner
Lily Ford	Land Use Planner
Eamonn Watson	Land Use Planner
Shaundehl Runka	Policy Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

APPLICATION ID: #51897

PROPOSAL: To exclude the 11.8 ha ALR portion of a 16.3 ha property in order to subdivide the property into two 8 ha or four 4 ha parcels.
(Application submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner:	Victoria Dawn Hockley
Date of Acquisition:	August 10, 1989
Parcel ID:	013-447-343
Title No.	CA982330
Legal Description:	Lot 2, District Lot 812, Kootenay District Plan 1494
Civic Address:	2350 Canyon-Lister Road, Lister
Size:	16.3 ha
Area in ALR:	11.8 ha
Current Land Use:	Residential/Farm
Farm Classification:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<small>(BC Assessment)</small>	

SITE INSPECTION MEETING:

A site inspection and exclusion meeting was conducted on April 27, 2011 following which a report was prepared. The site inspection and exclusion meeting report was certified by Commissioner Thibeault on May 19, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection and exclusion meeting report, certified by Commissioner Thibeault on May 19, 2011, constitutes a written record of the site inspection and exclusion meeting and has been provided to all Commission members recorded above.

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 82F/1 (Scale 1:50,000) of the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 7:3TD 3:4TP Improved Rating: 7:3TD 3:4TP

Note: These ratings cover the approximately 90% (or 10.6 ha) of the 11.8 ha portion of the property that is in the ALR.

Unimproved Rating: 6:2D 4:3TD Improved Rating: 6:2D 4:3TD

Note: These ratings cover approximately 10% (or 1.2 ha) of the of the 11.8 ha portion of the property that is in the ALR.

Class and Subclass Descriptions

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

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

D undesirable soil structure
P stoniness
T topography

During the site inspection, the Commission observed rocky soil and exposed shale layers immediately below the surface.

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 property is located on a low ridge overlooking productive farmland. Surrounding properties range from 8 ha to 24 ha, with some of the smaller parcels in the area being held in common and used for hayfields. Although the properties to the east and immediate north are hilly and forested, the surrounding area is primarily agricultural. Moreover, while soil bound agriculture may be challenging on this site, the Commission believes the land also provides opportunities for non-soil bound agricultural pursuits. For these reasons, the Commission does not believe that there are external factors that render the land unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission noted that the applicant intends to subdivide the property if it is excluded from the ALR. Increased residential density in the area could increase demand on the Lister Water System, which serves the subject parcel and surrounding agricultural properties. Moreover, given the hilly terrain in the eastern portion of the property, residential development would be clustered on the lower part of the property, adjacent to neighbouring agricultural properties. For these reasons, the Commission believes that the proposal would impact existing or potential agricultural use of surrounding lands.

Other Factors

- The Regional District of Central Kootenay has made no comment on the proposal.
- The property has been the subject of two previous applications by a prior owner, one for subdivision and one for exclusion. Both applications were refused due to potential impacts on agricultural operations in the area.
- The portion of the property that is outside of the ALR contains steep, forested terrain unlike the remainder of the property.

DECISION:

IT WAS Commissioner Jennifer Dyson
MOVED BY: Commissioner Jerry Thibeault
SECONDED BY: Commissioner Jerry Thibeault

THAT the application be refused for the following reasons:

1. The land is located in an agricultural area and is suitable for agricultural use. No external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture.
2. The proposed exclusion and subsequent subdivision of the property could impact agricultural use of surrounding lands by increasing residential density in the area and increasing demands on the water system that serves adjacent farming operations.
3. The Commission has refused prior applications for subdivision and exclusion of the property due to potential impacts on agricultural operations in the area.

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, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 206/2011