



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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March 3, 2011

Reply to the attention of Ron Wallace
ALC File: 51994

Kathleen Wilker
Focus Corporation
PO Box 608
712D- - 10th Street
Invermere, BC V0A 1K0

Dear Ms. Wilker:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 57/2011 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 black ink, appearing to read 'BU', is written over a light grey rectangular background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay (P 710 607)

RW/
/51994d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 28, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

PRESENT:	Richard Bullock	Chair of the Commission
	Barry Minor	Chair, of the Kootenay Panel
	Jerry Thibeault	Commissioner
	Roger Cheetham	Staff
	Ron Wallace	Staff

For Consideration

Application: 51994
Applicant: Robert & Lorraine Campsall
Agent: Focus Corporation
Proposal: To subdivide the subject property into two lots using Highway 95 as the dividing line.
Legal: District Lot 1906 Kootenay District Except (1) Part Included in RW Plan 1154 (2) Part Included in Plan 4846
Location: Highway 95 approximately 5 km Spillimacheen

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 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.

Subclasses

P stoniness
T topography
F low fertility characteristics

The Commission recognizes the limitations in agricultural capability on the subject property as outlined in the report prepared by Mike Malmberg, P. Ag. However, it was believed that subdivision would further serve to compromise its agricultural potential. Further, the Commission considered that the agriculture capability ratings for this property are similar to surrounding lands in the ALR.

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 has 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.

The Commission acknowledges the opinion of Mike Malmberg, P. Ag. that "the proposed subdivision of the property is not likely to negatively impair its future use for farming." However, the Commission did not believe that the creation of two lots using Highway 95 as the dividing line 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, 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 # 57/2011