



Agricultural Land Commission
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18th March 2011

Reply to the attention of Ron Wallace
ALC File:52059

William and Barbara Truscott
3102 Highway #3
Creston, BC
V0B 1G1

Dear Mr. and Mrs. Truscott:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 73/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'RH Chee Han', is written over the printed name of Brian Underhill.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Central Kootenay (File: 4035-20-A1022B-02568.000)

rc/
52059d1



A meeting was held by the Provincial Agricultural Land Commission on 28th February 2011 in the offices of the Agricultural Land Commission, Burnaby, BC

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

For Consideration

Application: 52059
Applicant: William and Barbara Truscott
Agent: N/A
Proposal: A boundary adjustment to reconfigure 4 subject properties with a total area of 12.5 ha.
Legal: PID: 009-938-206, Lot 1, District Lot 812 Kootenay District Plan 5370
PID: 011-732-644, Lot B, District Lot 812, Kootenay District Plan 2109
Except that Part in Plan 11409
PID: 009-897-089, Lot A, District Lot 812, Kootenay District Plan 994,
Except Part Included in Plans 5370 and 11409
PID: 010-366-008, Lot A, District Lot 812, Kootenay District Plan
2109, Except Part Included in Plans 5465 and 11409
Location: Highway # 3, Creston

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 bulk of the soils on the subject property have unimproved and improved capability ratings of Class 4 with topography limitations. The

northern extremity of the property has a mix of Class 5 and 4 unimproved and improved capability ratings with topography limitations.

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.

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 noted that the subject properties are within an ALR area, the bulk of which is under tree fruits. As such the Commission did not believe that there are external factors that render the land unsuitable for agricultural use. The Commission noted the argument made by the applicant that the creation of two rural residential parcels at the northern extremity of the property would provide a residential buffer that would protect the bulk of the property from wild life damage. However, the Commission was dubious that such parcels would be effective in this regard and in any event it noted that wild life fencing could be erected independently of any reconfiguration of the property.

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 noted that the consolidation of the small 0.1 ha parcel used for a glass repair shop was not of significant benefit for agriculture. Moreover it was of the view that the creation of two rural residential parcels at the northern extremity of the subject property would heighten landowner expectations in the surrounding area and increase pressure on the ALR for further subdivision. The Commission recognized that there might be a benefit for agriculture to be derived from the inclusion of the packing plant and the seasonal worker accommodation on one property but it did not consider that these benefits would outweigh the drawbacks of the reconfiguration and concluded that the proposal would have an overall negative impact on agriculture.

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 not consistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner B. Minor
SECONDED BY: Commissioner J. 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 # 73/2011