



**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

March 21, 2011

Reply to the attention of Ron Wallace  
ALC File: 52066

Craig & Ginette Boruck  
Box 232  
700 Highway 395  
Christina Lake, BC  
V0H 1E0

Dear Sir/Madam:

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

Please find attached the Minutes of Resolution # 70/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Kootenay Boundary

RW/  
/52066d1



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.

<b>PRESENT:</b>	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: 52066  
Applicant: Craig & Ginette Boruck  
Proposal: To subdivide the 12.2 ha lot into two lots of approximately 6 ha. The applicants submit that the property is not usable for agricultural purposes, and that allowing the creation of two smaller parcels will not adversely impact the area, or the property.  
Legal: Lot 34, District Lot 312, Similkameen Division of Yale District, Plan 29935 Except Plan KAP86658  
Location: 700 Highway 395, Christina Lake

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

### Subclasses

M	soil moisture deficiency
P	stoniness
R	shallow soil / bedrock outcroppings
T	topography

It was noted the property consists of an upper bench, along the north and west, parallel with Highway 395, and then drops steeply into a valley. The bottom land of the property with an agricultural capability rating of Class 3 (with limitations of moisture deficiency), has some capability for agriculture.

### Assessment of Agricultural Suitability

The Commission noted that a previous ALC application in 2007 resulted in the creation of a 10 ha parcel to the east and the subject parcel as a 12.2 ha remainder. The Commission recognizes the property consists of an upper bench, along the north and west, and then drops steeply to a lower bottom area. As a result, the Commission acknowledges the property has limited suitability for agricultural use. However, as the property is in the ALR the Commission believes the property should be retained at its current size as the proposed subdivision would further limit its usefulness for agriculture.

### 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 previous application the Commission determined that the topographical challenges of the property limit its agricultural potential as a whole and therefore supported subdivision provided the majority of the bottom land was kept on one parcel. The Commission believes that further subdivision of the property would negatively impact the already limited agricultural opportunities for the subject property.

### Conclusions

1. That the land under application has limited agricultural capability but is appropriately designated as ALR.
2. That the land under application has limited suitability for agricultural use.
3. That the proposal will further limit the agricultural potential of the subject property.
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 to subdivide the property into two lots of approximately 6 ha 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 # 70/2011**