



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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June 21, 2011

Reply to the attention of Lily Ford
ALC File 52085

Ed and Pat Thiessen
735 Sundown Lane
Elko, BC
V0B 1J0

Dear Ed and Pat Thiessen:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 202/2011 outlining the Commission's decision as it relates to the above noted application. A copy of the sketch plan submitted with your application, and referenced in the minutes, is also enclosed.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Richard Bullock', is written over the printed name.
Richard Bullock, Chair

Enclosure: Minutes/Sketch Plan

cc: Regional District of East Kootenay

LF/52085d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 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
Bert Miles	Commissioner
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
Colin Fry	Executive Director

APPLICATION ID: #52085

PROPOSAL: To subdivide a 2 ha parcel into two 1 ha parcels.
(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owners: Ed Thiessen and Patricia Lea Thiessen (as Joint Tenants)
Date of Acquisition: July 12, 1996
Parcel ID: 011-601-086
Title No. KR10254
Legal Description: Lot 7, Block 20, District Lot 132, Kootenay District Plan 1181
Civic Address: 1755 Sundown Lane, Baynes Lake
Size: 2 ha
Area in ALR: 2 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on April 28, 2011 following which a report was prepared. The site inspection meeting report was certified by Commissioner Thibeault on May 21, 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 meeting report, certified by Commissioner Thibeault on May 21, 2011, constitutes a written record of the site inspection 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 82G/3 (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: 7:6T 3:7T Improved Rating: (7:6T 3:7T)

Note: These ratings cover the western approximately 90% (or 1.8 ha) of the 2 ha property.

Unimproved Rating: 9:5MT 1:6T Improved Rating: (5:3MT 4:4TM 1:6T)

Note: These ratings cover the eastern approximately 10% (or 0.2 ha) of the 2 ha property.

Class and Subclass Descriptions

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 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.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

M soil moisture deficiency
T topography

The applicant has submitted photographs of an excavation on an adjacent property as evidence of the sandy nature of the subsurface in the area.

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 believe that there are external factors that render the land unsuitable for agricultural use. Specifically, the 2 ha subject property is located in an existing subdivision consisting of similar sized lots with low to moderate agricultural capability, most of which contain residential uses. Furthermore, the draft Baynes Lake OCP, which was endorsed by the Commission earlier in the meeting, designates the subject property and surrounding area for residential use and further subdivision.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. As discussed above, the subject parcel is located within an existing subdivision of small lots containing mostly residential uses, which has been designated for residential use and further subdivision in the Commission-endorsed draft Baynes Lake OCP. The Commission noted that concentration of residential development in existing nodes, such as proposed in the draft OCP, could help preserve neighbouring lands that have greater potential for agricultural use. For these reasons, the Commission believes that the proposal would not impact existing or potential agricultural use of surrounding lands.

Other Factors

- The proposal is supported by the local Agricultural Advisory Committee as having “no agricultural concerns.”
- On September 17, 2009, the Commission approved subdivision of a neighbouring parcel into two 1 ha parcels (Application #45567 – Pippard).

DECISION:

IT WAS
MOVED BY: Commissioner Bert Miles
SECONDED BY: Commissioner Jim Collins

THAT the application be allowed as proposed for the following reasons:

1. The land consists primarily of Class 6 and Class 7 soils and therefore has low agricultural capability.
2. The property is unsuitable for agricultural use due to its small size (2 ha), low agricultural capability, and its location in a subdivision consisting primarily of 2 ha residential lots.
3. The proposed subdivision will not impact agriculture as the property contains little arable land and is located within a subdivision consisting primarily of 2 ha residential lots.
4. The proposal is consistent with the draft Baynes Lake OCP, which was endorsed by the Commission on May 26, 2011.

AND THAT the approval is subject to the following conditions:

- the subdivision must be in substantial compliance with the plan submitted with the application; and
- the subdivision must be completed within three (3) years from the date of this decision.

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.

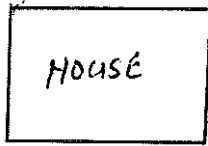
CARRIED
Resolution # 202/2011

WEST ← 330' →

↑ 660' ↓
SOUTH

NORTH

← 125' →



SEPTIC FIELD

49'

← 151' →



← 95' → OWELL

30'

← 305' →

25'
DRIVEWAY

← 357' →

PROPOSED 2.5 ACRE LOT

CONCRETE DRIVE

EAST