



Agricultural Land Commission
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March 28, 2012

Reply to the attention of Lily Ford
ALC File: 52505

Donna Yost
3310 Pineridge Road
Kimberly, B.C.
V1A 3L5

Dear Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #105/2012 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of East Kootenay File: P711 409

MC/52505d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 22, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jerry Thibeault	Commissioner
Gord Gillette	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner
Sylvia Pranger	Commissioner
Jim Johnson	Commissioner
Jennifer Dyson	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Lily Ford	Planner
Colin Fry	Executive Director

APPLICATION ID: #52505

PROPOSAL: To subdivide the 6.1 ha property into six 1 ha lots.

(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY

Owner: Donna Yost
Date of Acquisition: June 2007
Parcel ID: 005-366-313
Title No. CA461867
Legal Description: Lot 1, DL 342, KD, Plan 5632, Except Part Included in Plan 15690
Civic Address: 4470 Moan Road, Skookumchuck
Size: 6.1 ha
Area in ALR: 6.1 ha
Current Land Use: Residence, Gravel Pit
Farm Classification: Yes No
(BC Assessment)

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 (Scale 1:50,000) of the Canada Land Inventory (CLI) mapping, the unimproved agricultural capability ratings for the property are 5MP, improvable to (4MP)

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.

The limiting subclasses are M – moisture deficiency and P - stoniness

These ratings and limitations suggest that the property has capability for agricultural use, notwithstanding that a significant portion of the property is a gravel pit. The Commission recalled that its decision in 1998 to allow the gravel pit (and subsequent decisions extending the use), were conditional upon reclamation of the property to an agricultural standard. It understands that topsoil has been stripped and stored in anticipation of reclamation, and that the Commission holds a financial security to ensure reclamation.

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 recalled the property is located in an agricultural area, adjacent to land that is improved for agriculture (to the north). The southerly property boundary adjoins a large, vacant crown land parcel. As such, the Commission does not believe that adjoining or nearby land uses render the subject property unsuitable for agricultural uses.

Assessment of Potential Impact on Agriculture

The Commission assessed the impact of the subdivision proposal against its mandate of preserving agricultural land and encouraging agriculture. The Commission recalled its previous decision to permit gravel extraction imagined an agricultural future, because reclamation to an agricultural standard was a condition of approval. It believes that subdivision would effectively eliminate the agricultural potential of the property, and could have negative impacts on the adjoining farm parcel to the north. In addition It is the Commission's experience that 1 ha lots are purchased by non farmers who can have a negative impact on nearby and adjoining agriculture. For example rural residents can trespass onto adjoining grazing or cultivated lands, harass stock, damage fencing and other farm infrastructure, and spread weeds.

Other Factors

The Commission is also concerned about the potential negative impacts of raised expectations, which can arise from rural residential subdivision. If subdivision is

routinely permitted in rural areas, ALR land may be purchased for speculative, rather than agricultural purposes. The result is that properties in existing farm communities experience subdivision pressure, and farm activity is discouraged rather than enhanced.

CONCLUSIONS:

1. That the property under application has agricultural capability
2. The land is appropriately designated as ALR, and is suitable for agricultural use.
3. That the subdivision proposal has potential to negatively impact agriculture.
4. That the proposal is inconsistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Jim Collins

SECONDED BY: Commissioner Jerry Thibeault

THAT the application to subdivide the 6.1 ha property into six lots 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 #105/2012