



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

December 20, 2012

ALC File: # 52856

Roger and Sharon Mitchell
9698 Clearview Road
Cranbrook, BC
V1C 7E2

Dear Mr. and Mrs. Mitchell:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 399/2012 as it relates to the above noted application. The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Lindsay McCoubrey.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #399/2012

cc: Regional District of East Kootenay (File: P 712 314)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52856.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Eamonn Watson	Land Use Planner
Liz Sutton	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the 24.2 ha subject property into one 2.0 ha lot and one 22.2 ha lot.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission reviewed the previous application #2058 (L28775-Mitchell) involving the property, which proposed a subdivision into one 6 ha lot and one 18 ha lot. The Commission of the day indicated that, *"(l)arger lots offer their owners a wider variety of farming options, especially in areas where the soil and climate conditions are more suitable to dryland grazing than intensive cultivation. Smaller lots (such as you have proposed) besides reducing the agricultural potential of a property serve to increase the number of nonfarm residents in farm areas."* The Commission refused the application on April 26, 1994.

Conclusion: The Commission concurs with the prior decision and the statements made by the Commission in 1994.

2. The agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 82G/12 for the subject property are 80% Class 5 and 20% Class 6.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

The limiting subclasses associated with this parcel are T (topographic limitations) and P (stoniness).

Submitted with the application for subdivision was a report entitled, *Agriculture Capability Assessment Plan # 17496 DL 6198 + 6123 Kootenay Land District*, prepared by T.J. Ross, P. Ag. Mr. Ross concludes in the 'Discussion' section:

"Based on data collected in this survey, and experience with landforms, soils and agricultural practices in the East Kootenay it is believed that the Agricultural Capability designations are correct (Canada Land Inventory 1976b). These designations indicate that the land in the proposed lot is Class 5, with the principal limitations as soil moisture deficiency, stoniness and rock outcrops. The limitations of Class 5 soils restrict the use of these soils to hay or pastureland. As the current vegetation is fair condition open grassland, grazing is the best agricultural use of these soils."

Conclusion: The Commission is satisfied that the report and the published CLI ratings indicate that the property is correctly classed and is suitable for grazing as open grassland.

3. Notwithstanding the block of Rural Residential (RR2) lots created prior to the Agricultural Land Reserve, adjacent to the subject property, the proposed subdivision would create a 2.0 ha lot in an area of predominately larger holdings.

Conclusion: The proposed lot, if approved, would represent a small lot intrusion into an area comprised of mostly larger holdings.

IT WAS
MOVED BY: **Commissioner Johnson**
SECONDED BY: **Commissioner Dyson**

THAT the request be refused.

CARRIED
Resolution #399/2012