



**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

April 9, 2013

ALC File: #53045

Horst Heidenreich  
1435 Kelly Road  
Bridenville, BC V0H 1B0

Dear Mr. Heidenreich:

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

Please find attached the Minutes of Resolution # 85/2013 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 (lindsay.mccoubrey@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #85/2013

cc: Regional District of Kootenay Boundary (File: E-891s-04197.000)



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53045.

### 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
Colin Fry	Executive Director

---

### PROPOSAL

Subdivide the 121.9 ha property along Kelly Road to create one 29.3 ha lot and one 92.6 ha lot. (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

---

### PROPERTY INFORMATION:

**Owner:** Horst Heidenreich

**Legal:** PID: 014-897-261  
District Lot 891S, Similkameen Division Yale District, Except Plans 34368, 35109 and H17963

**Location:** Bridesville, Regional District of Kootenay Boundary

**Size:** 121.9 ha (117.6 ha are in the ALR)

---

### 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.
- 

#### **COMMISSION CONSIDERATION**

The Commission reviewed one previous application involving the subject property:

Application #45186 (Heidenreich, 2008) To subdivide the subject property into one 6 ha lot, one 29 ha lot and one 89 ha lot. A site inspection was conducted on October 2, 2008 during which the applicant advised that the proposed lot configuration was made with the intent to keep the best agricultural land in one parcel while retaining two secondary parcels with enough acreage to accommodate some form of hobby farming. The application was refused by Resolution #659/2008 as the Commission felt the subject property was an appropriate size for agricultural production and should be retained at its present size to maintain its full agricultural potential.

After considering the information the Commission concluded as follows:

The subject property has historically been used for cattle grazing by the previous owner and the current owner has had up to 80 head of cattle, 30 head of sheep and other various animals on the property. There is a large hay field on the property as well.

**Conclusion:** The subject property has good agricultural capability and in its present size, can support a wide range of agricultural activities.

#### **IT WAS**

**MOVED BY:** Commissioner Dyson  
**SECONDED BY:** Commissioner Miles

THAT the proposal to subdivide the 121.9 ha property along Kelly Road to create one 29.3 ha lot and one 92.6 ha lot be refused.

#### **CARRIED**

**Resolution #85/2013**