



Agricultural Land Commission
133-4940 Canada Way
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December 4, 2013

ALC File: #53099

Lydia Kwasnicki
43 Beachwood Ave
Vernon, BC
V1H 2E4

Betty Marzke
2710 – 39th St
Creston, BC
V0B 1G2

Dear Ms. Kwasnicki and Ms. Marzke:

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

Please find attached the Minutes of Resolution #285/2013 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #285/2013

cc: Regional District of Central Kootenay (File: 4810-20-A1301B-02856.000)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17th, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53099.

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Vice-Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Lindsay McCoubrey	Land Use Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide a 1 ha lot for a homesite residence from the northwest corner of the 8 ha property.

PROPERTY INFORMATION:

Owner: Lydia Kwasnicki; Betty Marzke

Legal: PID: 015-715-027
Lot 15, District Lot 812, Kootenay District, Plan 1420

Location: Crestview Road, south of Creston

Size: 8.1 ha

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. 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.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 82F/1 for the subject property are 60% Class 3 and 40% Class 2.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

The limiting subclasses associated with this parcel of land are D (unfavourable soil structure) and T (topographic limitations).

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

2. The Commission considered the agricultural impacts of the proposed subdivision.

Conclusion:

The Commission noted that the proposed 1 ha lot contained improved and unimproved agricultural land. The majority of the property is developed for agriculture. The Commission has significant concerns about the negative impacts of subdivision; most notably, is the concern regarding the introduction of an urban type lot into this significant agricultural area. As a general statement the agricultural holdings in this area are similar in size to the subject property.

3. The Commission considered the applicant's argument that subdivision be allowed as a homesite severance, or as an estate settlement.

Conclusion:

The Commission recalled that it refused a previous subdivision application proposing to create two 4.0 ha lots (Application ID #52104) in February 2011. The intent of the earlier proposal was estate settlement. As a comment about estate settlements, the Commission has historically viewed this as a non-agricultural argument that does not justify the subdivision of agricultural land.

The Commission also considered the file information regarding when the applicant's parents purchased the property (1946), to ascertain whether the application could be considered under the ALC's *Homesite Severance Policy*. The Commission concluded that the applicants do not qualify for consideration under the *Homesite Severance Policy*.

IT WAS
MOVED BY: Commissioner Thibeault
SECONDED BY: Commissioner Collins

THAT the proposal to subdivide a 1 ha lot from the 8.1 ha subject property be refused.

CARRIED
Resolution #285/2013