



Agricultural Land Commission
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November 14, 2013

ALC File: # 53153

Clayton and Maureen Augustine
4430 – Highway #3/95
Cranbrook, BC
V1C 6X6

Dear Sir/Madam:

Re: Application for Non-Farm Uses in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 289/2013 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: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #289/2013

cc: Regional District of East Kootenay File: P 712 328

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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 #53153

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 20(3) of the *Agricultural Land Commission Act*

To use a 0.4 ha area of the 5.3 ha property for 50 unit recreational vehicle storage facility.

PROPERTY INFORMATION:

Owner: Clayton and Maureen Augustine

Legal: PID: 013-951-831 Lot 1, DL 4687, Kootenay District, Plan 4185, Except Plans 6979 and NEP91778

Location: Southwest of Cranbrook

Size: 5.3 ha, of which 4.5 ha lies within 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.
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COMMISSION CONSIDERATION

After considering the file information the Commission concluded as follows:

1. The Commission considered the agricultural capability of the subject property.

Conclusion:

The Commission noted that the CLI ratings for the subject property are 5:4T 3:3X 2:5T and that the majority of the property is cleared. The primary limiting factor for soil bound agriculture is topography. The proposed non-farm use would occupy about 0.4 ha of cleared land in the middle of the property. The Commission concluded that the property has capability for agricultural uses, based on the available information.

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

Conclusion:

The file information indicates that the applicant(s) have stored RV's on their property for the past nine (9) years. In fact the Regional District report indicates that an enforcement file exists for the property. The Commission's concern with the proposal is that if approved the RV storage use of the property will become entrenched (and likely expand) to become the dominant use of the land, particularly given the location of this property on the highway near Cranbrook. It is the Commission's experience that once non-farm (commercial) uses become established on a farm parcel, perspectives about the land are altered, and pressures increase to convert additional areas to non-farm uses.

3. The Commission considered the land use and planning implications of the proposal.

Conclusion:

The Commission noted that bylaw amendments will be required if the application is permitted, and that: the Electoral Area C Advisory Planning Commission is opposed to the proposal; the AAC supports the proposal; and that the Electoral Area Director supports the proposal if only non-motorized trailers are permitted; the Regional Board resolution also supports the storage of non-motorized RV units.

The Commission believed that the land should remain in agricultural uses, consistent with designations established in local government planning documents (Rockyview OCP – "Large Holdings"; Cranbrook Rural Zoning Bylaw "RR-4").

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Gillette

THAT the proposal to use 0.4 ha of the subject property for storing recreational vehicles be refused.

CARRIED

Resolution #289/2013