



Agricultural Land Commission
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January 29, 2014

ALC File: #53336

Judith Holmes
PO Box 140
Fort Steele, BC V0B 1N0

Dear Ms. Holmes:

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

Please find attached the Minutes of Resolution #394/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

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 'Lindsay McCoubrey', is written over the signature line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #394/2013

cc: Regional District of East Kootenay (File: P 713 311)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53336.

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 the 94.7 ha subject property into one 14.1 ha lot and an 80.6 ha remainder.

PROPERTY INFORMATION:

Owner: Donald Campbell, Ryan Campbell, Julie Morelli

Legal: PID: 008-396-388
Lot B, District Lots 55 and 7214, Kootenay District, Plan 17616, Except Plans 17988, NEP71609 and EPP16974

Location: Fort Steele

Size: 94.7 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.

COMMISSION CONSIDERATION

The Commission reviewed three previous applications involving the subject property:

Application #52046 (Campbell and Morelli, 2010) Allowed the subdivision of a 1.9 ha lot from the 96.6 ha property as divided by Wild Horse River Road. Resolution #64/2011 dated February 28, 2011.

Application #8672 (Holmes, 1986) Allowed the subdivision of the 30.4 ha subject property into a 12 ha lot and an 18.4 ha lot, subject to the consolidation of the 18.4 ha lot with the adjacent District Lot 7214 to create a 96.6 ha lot. Resolution #298/1986 dated April 23, 1986.

Note: This application completed the previously allowed subdivision in application #3275 as consolidation was also required.

Application #3275 (Holmes, 1985) Allowed the subdivision of District Lot 7214 into two parcels of 18.8 ha and 58.9 ha, and to subdivide District Lot 55 into two parcels of 1.3 ha and 29.1 ha, both as divided by the road subject to the consolidation of the remainders situated west of the road for a total of three lots. Resolution #1083/1985 dated November 18, 1985.

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 rating identified on Canadian Land Inventory (CLI) map sheet 82G/12 for the subject property mainly consists of Class 3 and Class 4 with some Class 5 and Class 6 areas.

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.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

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 of land are T (topographic limitations), M (moisture deficiency) and P (stoniness).

Conclusion: The majority of the subject property has good agricultural capability and in its present size, could support a range of agricultural activity.

2. The subdivision of 12.0 ha from District Lot 55 in 1986 was allowed subject to the consolidation of the remainder with the adjacent District Lot 7214 to create one larger parcel conducive to agriculture in the area.

Conclusion: The Commission of today finds validity in the 1986 consolidation condition from application #8672 which created the subject property, and concludes that in this region a larger parcel has increased agricultural usefulness.

IT WAS

MOVED BY: Commissioner Collins

SECONDED BY: Commissioner Gillette

THAT the proposal to subdivide the 94.7 ha property into one 14.1 ha lot and an 80.6 ha remainder be refused.

CARRIED

Resolution #394/2013