



Agricultural Land Commission
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August 25, 2014

ALC File: #53624

Nick and Marilyn Boulin
4080 Blewett Road
Nelson, B.C. V1L 6X1

Dear Mr. and Mrs. Boulin:

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

Please find attached the Minutes of Resolution #244/2014 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.

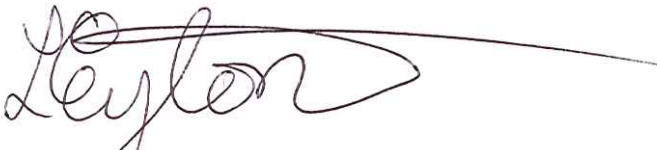
- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision 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: 
Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #244/2014

cc: Regional District of Central Kootenay (File # A1404)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 29, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Application #53624.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Brian Underhill	Deputy Chief Executive Officer
Colin Fry	Chief Tribunal Officer

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

To subdivide one 0.68 ha parcel from the 2.5 ha subject parcel for residential use by a family member.

PROPERTY INFORMATION:

Owners: Nick and Marilyn Boulin

Legal: PID: 011-003-138
Lot 1, District Lot 6307, Kootenay District, Plan 13297, Except Plan NEP90273

Location: 4080 Blewett Road, Blewett

Size: 2.5 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

The Commission reviewed three previous applications involving the subject property:

Application: 25520
(Pictin, 1980) To subdivide two approximately 4.0 ha parcels along the ALR boundary which coincides with the west boundary of Blewett Road. The size of the ALR component of both properties totals 5.7 ha.

By Resolution #1280/80 dated July 9, 1980 the application was approved subject to the consolidation of the two ALR portions into a single parcel.

Note: Subdivision Plan 13297 was deposited in the Land Title Office at Nelson, BC on December 24, 1980.

Application: 8858
(Central Kootenay, 1997) Block Application prepared by the Commission which proposed the exclusion of 400 ha from the ALR in the Blewett area. The Commission ultimately approved the exclusion of only 4.8 ha by Resolution #38/2000.

Application: 45434
(Towill, 2008) To subdivide the 4.5 ha property to create a 2.0 ha parcel and a 2.5 ha parcel. Approved by Resolution #195/2009.

After considering the information the Commission concluded as follows:

1. Previous application decisions involving the subject property and other properties in the Blewett area reflected the Commission's historical belief that land in Blewett may be appropriate for exclusion from the ALR. However, in recent years, information provided by the Electoral Area "E" Director suggests it may be prudent for the Commission to re-assess its historical viewpoint.

Conclusion:

The Commission is open to this discussion but remains convinced the best method of engagement is through local government planning to determine the agricultural future of the area.

2. The Electoral Area "E" Director, Advisory Planning Commission and District Agrologist from the Ministry of Agriculture all recommend the application be refused based on the property having good agricultural capability and agricultural suitability and the potential negative impact on agriculture in the area. The Commission believes that the local knowledge and understanding provided by these individuals and groups are extremely valuable.

Conclusion:

The Commission supports the Electoral Area "E" Director, Advisory Planning Commission and Ministry of Agriculture comments and opinions regarding this application.

3. 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 CLI map sheet 82F.043 for the majority of the subject property are improvable to Class 2 and Class 3 (7:3T – 3:2M).

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 M (moisture deficiency) and T (topographic limitations).

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

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Gillette

THAT the proposal to subdivide the subject property be refused.

CARRIED

Resolution #244/2014