



Agricultural Land Commission
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March 14, 2007

Reply to the attention of Brandy Ridout
ALC File: #H - 37075

Constance Joyce Lank
4140 10th Avenue, SE
Salmon Arm, B.C. V1E 1W7

Dear Madam:

Re: Application to Subdivide land within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 29/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: City of Salmon Arm (#ALC306)

Enclosure: Minutes

MC/lv
37075d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on February 14, 2007 in Penticton, B.C.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Jennifer Carson	Staff
	Martin Collins	Staff

For Consideration

Application: # H - 37075
 Applicant: Constance Joyce Lank
 Proposal: To subdivide a 4 ha lot from the 12 ha subject property for the applicant's daughter.
 Legal: PID: 009-605-681
 The North 1/2 of the South 1/2 of the South West 1/4, Section 30, Township 20, Range 9, W6M, Kamloops Division Yale District, EXCEPT Plan 3127.
 Location: 3390 - 30th Street, NE, Salmon Arm

Site Inspection

A site inspection was conducted on Tuesday February 13, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Sid Sidhu Commissioner
- Jennifer Carson Staff
- Martin Collins Staff
- Joyce Lank Applicant
- Mr. Lank Tenant (and the Lank's son-in-law)

Mrs. Land confirmed that the staff report dated January 10, 2007 was received and no errors were identified.

The Commission viewed the property, noting that little to no agricultural activity was being undertaken, and that a small older home, and a small outbuilding were all that existed on the property. The property was primarily cleared and in pasture/grasses, but there was no sign of active agricultural activity or permanent fencing.

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. 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.

Discussion

Assessment of Agricultural Capability and Suitability

In assessing agricultural capability, the Commission confirmed that the land had good capability for agriculture. In addition the property did not appear to be affected by external factors that rendered the land unsuitable for agricultural use. The property is a similar size to the adjoining ALR property to the south, and somewhat larger than adjoining ALR properties to the north and east. There was some non-ALR residential development on the west side of 30th St NE, but the Commission did not consider these residences to represent a significant constraint on the agricultural use of the subject property.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposed subdivision against the long term goal of preserving agricultural land. In the Commission's view subdivision of a 4 ha lot would reduce the productive capacity of the property, and decrease the likelihood that either the 4 ha lot or the agricultural remnant would be used for agriculture. It is the Commission's experience that smaller parcels are less likely to be used for agriculture. The Commission also believed there were sufficient smaller lots in the Broadview area of Salmon Arm to accommodate demand for small farms. In contrast, larger parcels, which are somewhat less common, offer a broader range of agricultural options and are more likely to be used for agriculture.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the subdivision proposal will negatively affect agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner S. Sidhu

SECONDED BY: Commissioner S. McCoubrey

THAT the application to subdivide a 4 ha lot from the 12 ha property be refused.

CARRIED

Resolution # 29/2007



**Staff Report
Application # H – 37075
Applicant: Constance Joyce Lank
Salmon Arm**

DATE RECEIVED: November 20, 2006

DATE PREPARED: January 10, 2007

TO: Chair and Commissioners – Okanagan Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: Subdivision for a family member. The applicant is requesting to subdivide a 4 ha lot from the 12 ha subject property for her daughter.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The applicant states that if subdivision is allowed, the properties will continue to be farmed as a single unit. It is also stated that the construction of the second dwelling would cause very little disruption to the existing fields.

Local Government:

City of Salmon Arm

Legal Description of Property:

PID: 009-605-681

The North ½ of the South ½ of the South West ¼, Section 30, Township 20, Range 9, W6M, Kamloops Division Yale District, EXCEPT Plan 3127

Purchase Date:

February 1988

Location of Property:

3390 - 30th Street NE, Broadview area, Salmon Arm

Size of Property:

12 ha (The entire property is in the ALR).

BACKGROUND INFORMATION (continued):

Present use of the Property:

Residence built in 1926, sheds and barn, remaining land currently used for hay

Surrounding Land Uses:

WEST: 30 Street NE, Residential lots outside the ALR
SOUTH: Apple orchard (16 ha) in the ALR
EAST: Small acreage (4 ha lot) in the ALR
NORTH: Small acreage (2 ha lot) in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/11
The majority of the property is identified as having prime dominant ratings.

Official Community Plan and Designation:

City of Salmon Arm OCP, Bylaw No. 3000, Designation: Acreage Reserve

Zoning Bylaw and Designation:

City of Salmon Arm Zoning Bylaw No. 2000
Designation: A-2 (Rural Holding), Minimum Lot Size: 4.0 ha

RELEVANT APPLICATIONS:

No previous applications have been considered on the property. However, the Commission has refused several similar applications in the Broadview area.

Application #34176-0

Applicant: Helmut & Kerry Rietzler
Decision Date: April 12, 2002
Proposal: To subdivide a 0.4 ha lot from the 2.6 ha property for a retirement residence.
Decision: Refused on the grounds that it is inconsistent in size and proposed use with the adjoining properties.

Application #34360-0

Applicant: Robert & Doreen Babiuk
Decision Date: September 17, 2002
Proposal: To subdivide a 2.3 ha lot from the 6.7 ha subject property.
Decision: Refused on the grounds that the property has good agricultural capability and is consistent with other application decisions in the area. The application was reconsidered and the decision to refuse was reconfirmed.

Application #34661-0

Applicant: Lois Cunningham
Decision Date: February 28, 2003
Proposal: To subdivide the 5.1 ha property into two equal sized properties to separate dual ownership.
Decision: Refused on the grounds that subdivision would reduce the range of agricultural options that could be carried out on the property and the likelihood of agricultural development. The Commission reconsidered and refused a revised proposal to subdivide a 0.4 ha lot.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

City of Salmon Arm Council: Forwarded the application without comment. However, the City considers the act of forwarding an application to be recommendation of support.

City of Salmon Arm Development Services: Staff had the following concerns: the Land Capability Classification for agriculture indicates that the soils are well suited to agricultural uses; most of the property is currently under cultivation (hay field); the proposed subdivision may reduce the agricultural capability of the remainder parcel; and the agricultural potential of the new parcel may be limited due to its size. However, staff was of the opinion that the application warrants consideration as the property has been farmed by the same family since 1959 and the purpose of the subdivision is to provide a residence for a relative.

STAFF COMMENTS:

Staff suggests that the Commission consider the following;

- The soil of the subject property is 60% Class 2 and 40% Class 3. The proposal would remove farmland from production in that a new driveway, house, and associated structures would be constructed on prime farmland.
- The property to the south is currently used for agriculture. The location of the proposed 4 ha lot adjacent to this active agricultural operation could potentially lead to conflict and reduced agricultural capability of the agricultural operation.
- There do not appear to be any areas on the property that are unsuitable for farm use.
- Although the proposed new lot would have direct road access, a long driveway would be required to reach the proposed new homesite location.
- Subdivision would create a 4 ha lot and an 8 ha lot. In general, smaller lots leave fewer options for agriculture and reduce the likelihood of agricultural development.
- The Commission has generally refused requests to subdivide smaller lots in Broadview on the grounds that subdivision reduces agricultural capability and narrows agricultural options.

ATTACHMENTS:

- ALR Base Map (1:50,000)
- ALR Constituent Map (1:10,000)
- Letter from applicant
- Applicant's sketch map showing proposed lot
- Air photo

END OF REPORT



Signature

Jan 17, 07

Date