



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 19, 2008

Reply to the attention of Brandy Ridout  
ALC File: **V-38626**

Dean Stinson  
Box 615  
Princeton, BC V0X 1W0

Dear Mr. Stinson:

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #812/2008 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'EK', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Okanagan-Similkameen (H08-01133-000)

BR/  
i/38626d1



**A meeting was held by the Provincial Agricultural Land Commission on December 15, 2008 by conference call.**

<b>PRESENT:</b>	Roger Mayer	Chair, Okanagan Panel
	Sid Sidhu	Commissioner
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff

### **For Consideration**

Application: #V-38626  
Applicant: Glen and Carol Wharton  
Agent: Dean Stinson  
Proposal: To exclude the 17.9 ha property from the ALR to subdivide it into 1 ha parcels.  
Legal: PID: 013-184-610  
Parcel B (DD113682F, District Lot 2136, Kamloops Division Yale District, Plan B3532, EXCEPT Plan 22216  
Location: 422 Huey Road, Princeton

### **Site Inspection**

A site inspection was conducted on December 10, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Dean Stinson Agent

### **Commissioner Eligible to Vote**

Commissioners Sidhu and Zimmermann were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioners' eligibility to vote on the application.

### **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**

The Commission recalled its discussion with regard to the previous application on the property for subdivision (#V-36331). At that time, it noted that the subdivision patterns in the area were mixed, with smaller lots interspersed with larger properties - the rural

residential lots predating the establishment of the ALR. The Commission also recalled a previous decision on the property to refuse a similar subdivision request. The Commission indicated a belief that larger parcels offer their owners a wider range of agricultural options, and are, in general, more likely to be used for agricultural purposes. In contrast, it is the Commission's experience that 2 ha lots are residential rather than agricultural. While the Commission appreciated that the 18 ha property may have some soil and climate constraints, no compelling evidence was provided suggesting that the land could not be developed and used for grazing or pasture, either on its own, or in conjunction with other properties (in lease or rental arrangements). Considering all factors, the Commission did not support subdivision as it believed that the parcel had greater capability as a grazing and pasture parcel than if subdivided.

### **Assessment of Agricultural Capability**

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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is Class 4 with limitations of stoniness and soil moisture deficiency. Class 4 land has limitations that require special management practices or severely restrict the range of crops, or both.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission recalled that subdivision of the property had been refused twice in the past on the grounds that the parcel had greater capability as a grazing and pasture parcel in its existing size than if it was subdivided. Following its review of all of the application information, the Commission reaffirmed its previous position that the land at its present size and configuration provides the best possible conditions for agriculture and that it is not in favour of exclusion or subdivision.

### **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 proposal will have a negative impact on 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 Sidhu  
**SECONDED BY:** Commissioner Zimmermann

THAT the application to exclude the 17.9 ha property from the ALR to subdivide it into 1 ha parcels be refused on the grounds that the property has capability for agriculture and the parcel has greater capability as a grazing/pasture parcel in its existing size than if it was subdivided.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

**CARRIED**  
**Resolution #812/2008**