



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

April 27, 2009

Reply to the attention of Brandy Ridout
ALC File: **H-38740**

R.G. (Bob) Holtby, P.Ag
2533 Copper Ridge Drive
Westbank, BC V4T2X6

Dear Mr. Holtby:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #110/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your clients accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the 'Per:' label.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Columbia Shuswap Regional District (LC2404F)

BR/
i/38740d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 in Vernon, BC.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Gerald Zimmermann	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: #H-38740
 Applicant: Cynthia, Les, Jason & Jory Bentley
 Agent: Bob Holtby
 Proposal: To subdivide the 15.5 ha subject property into three lots - 4.1 ha, 4.8 ha and 6.6 ha.
 Legal: PID: 013-936-298
 L.S. 12, Section 15, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District
 Location: 2647 Garland Drive, Celista, BC

Site Inspection

A site inspection was conducted on March 26, 2009. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Cynthia Bentley Applicant
- Bob Holtby Agent

Mr. Holtby confirmed that the staff report dated February 23, 2009 was received and no errors were identified.

The Commission viewed the property – walking to the cleared area that is included in proposed Lot 2. It noted the new house that was under construction on the proposed lot. The intensification of agricultural use that would occur as a result of subdivision was discussed, although no specific details were provided (i.e. proposed crop).

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

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 rating of the soil of the northeast half of the subject property shows a limitation of topography and is:

- 60% Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- 40% Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The agricultural capability rating of the soil of the southwest half of the subject property shows a limitation of undesirable soil structure and is:

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The Commission also considered Mr. Holtby's report which indicated that the subject property is mainly arable but limited by overall parcel size, topography, stoniness, and lack of moisture due to the inability to cover all the land with the current irrigation licences.

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. While portions of the property are not suitable for agriculture as they are too steep or are creek bed, the Commission does not believe there are factors that render the subject property as a unit 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. It recognizes that some properties in the ALR contain portions of land that are less suitable for agriculture and areas that are better suited. It also recognizes that some properties have challenges to their agricultural use – such as the presence of creeks and steep areas. In some cases, these criteria warrant subdivision. However, in this case the Commission was concerned about allowing the subdivision into three lots.

The Commission noted that the smallest lot size in the immediate area in the ALR is 15.5 ha. There are ten other 15.5 ha lots in the area, most of which have a portion of less suitable land. It did not wish to see each of those lots further subdivided.

It considered the argument presented by Mr. Holtby that the retention of large blocks of land with limited agricultural potential impede, rather than encourage the development of new and emerging enterprises. While the Commission does not wish to inhibit

innovation, in this case, it believes that it would be more beneficial to agriculture to retain the subject property as a single unit.

In addition, it does not believe that properties bought as a single unit should be subdivided to provide individual hobby farms for each part-owner.

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 Mayer
SECONDED BY: Commissioner Zimmermann

THAT the application to subdivide the 15.5 ha subject property into three lots - 4.1 ha, 4.8 ha and 6.6 ha be refused.

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 # 110/2009