



Agricultural Land Commission
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April 7, 2009

Reply to the attention of Brandy Ridout
ALC File: **H-38798**

Alex Sandar Baumgartner
Box 1316
Revelstoke, BC V0E 2S0

Dear Mr. Baumgartner:

Re: Application to Exclude Land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #89/2009 and a sketch plan outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan. It will also confirm for the Registrar the area excluded from the ALR.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/Sketch Plan

cc: Columbia Shuswap Regional District (LC2397E)

BR/
i/38798d1



A meeting was held by the Provincial Agricultural Land Commission on March 26, 2009 at Vernon, B.C.

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

For Consideration

Application: #H-38798
 Applicant: Alex Sandar Baumgartner
 Proposal: To exclude a 1 ha area from the ALR portion of the 16.2 ha subject property. This would create one parcel of approximately 10 ha within the ALR and one parcel of approximately 6 ha outside the ALR.
 Legal: PID: 015-922-286
 L.S. 15, Section 29, Township 22, Range 6, West of the 6th Meridian, Kamloops Division Yale District
 Location: 3430 Yard Creek Loop Road, Sicamous

Site Inspection

A site inspection was conducted on March 25, 2009. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Alex Baumgartner Applicant

Alex Baumgartner confirmed that the staff report dated March 16, 2009 was received and no errors were identified.

The Commissioners viewed the 1 ha area proposed for exclusion, noting that a small home was under construction. The applicant indicated that the ALR portion (about ~10 ha) of the 16 ha parcel was very swampy, and that only a narrow strip paralleling Yard Creek Loop Road had been improved for pasture. The Commission noted that much of the ALR portion of the parcel remained under natural (or re-grown) swamp vegetation.

Nearby lands lying north of the subject parcel (but part of the similar landform) and further from the base of the slope had been improved for pasture and hayland.

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.

The agricultural capability of the soil of the subject property is mixed:

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

The limiting subclasses are excessive wetness and periodic inundation.

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 external factors that render the land unsuitable for agricultural use. The property is located in an agricultural area and similar sized properties in the ALR are used for pasture and hay production.

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 does not believe that the proposed exclusion would significantly impact existing or potential agricultural use of surrounding lands because it is a small area, already affected by soil disturbance and filling associated with driveway access and buildings.

Assessment of Other Factors

The Commission recognized that if the exclusion was permitted that it is likely that another homesite will be established on the ALR remnant. However, it believed that on balance the exclusion of up to 1 ha would have little impact on the potential agricultural use of the subject parcel.

Conclusions

1. That the land under application has limited agricultural capability and is largely unsuitable for agricultural use.
2. That the exclusion proposal will not significantly impact agriculture.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Zimmerman

THAT the application to exclude 1 ha from the 16 ha property be allowed.

AND THAT the approval is subject to the following conditions:

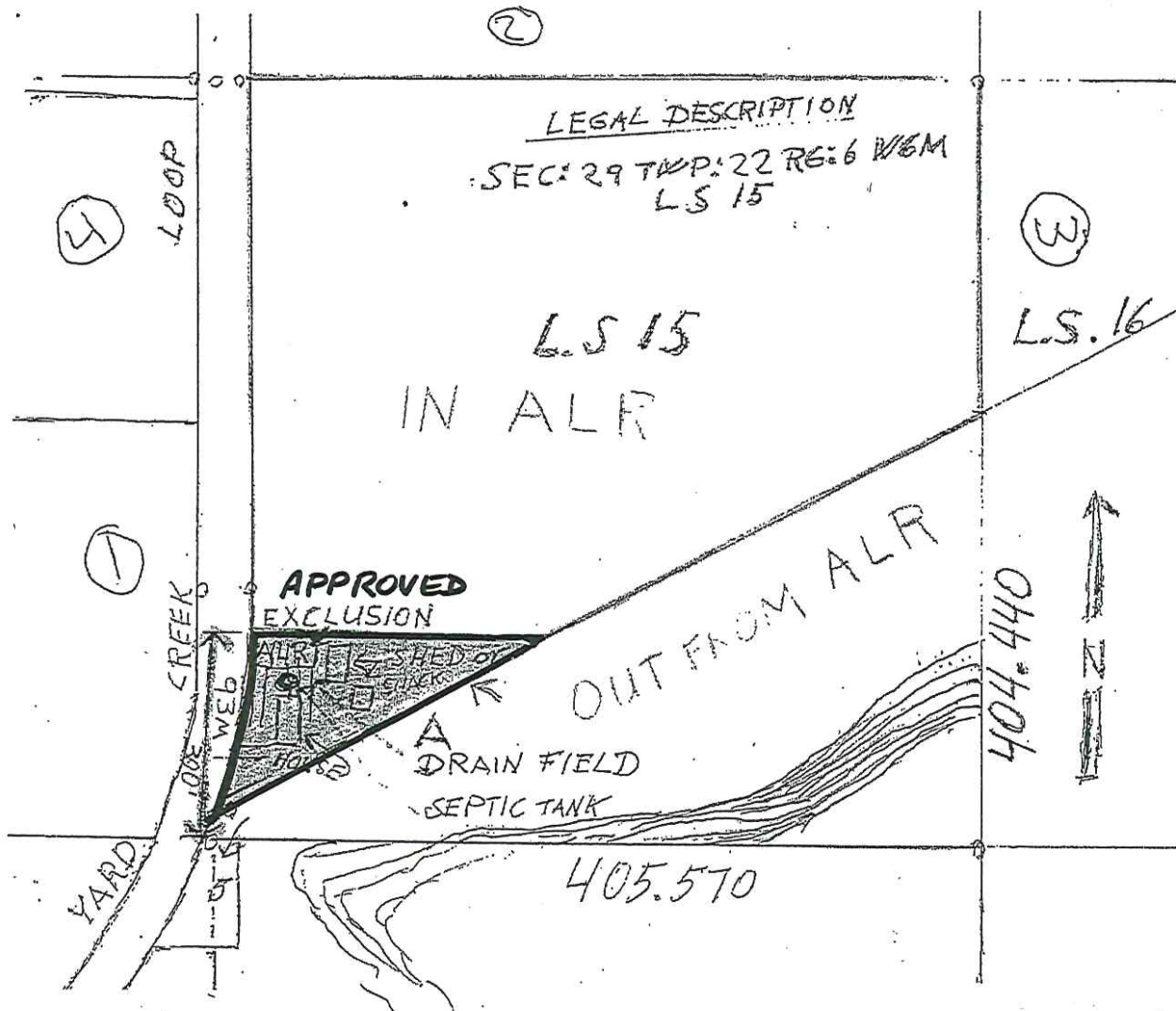
- The preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application.
- The subdivision and exclusion must be completed within three (3) years from the date of this decision.

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 #89/2009

Proposed Plan



APPLICATION H-38798
RESOLUTION # 89/2009

APPROVED 1 HA EXCLUSION