



**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

July 8, 2009

Reply to the attention of Brandy Ridout  
ALC File: H-38975 (45947)

John and Laurie Piper  
RR #1 , C56 Cedar Hill  
Falkland, B.C.  
VOE 1W0

Dear Sir/Madam:

**Re: Application to Subdivide within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 363/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a horizontal line.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Columbia Shuswap Regional District (LC2416D)

BR//38975d1



A meeting was held by the Provincial Agricultural Land Commission on June 17, 2009 at the Ministry of Agriculture and Lands office, located at 4607 - 23rd St, Vernon, BC.

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

### **For Consideration**

Application:	H-38975 (45947)
Applicant:	John and Laurie Piper
Proposal:	To subdivide a 2 ha lot from the 8 ha subject property
Legal:	PID 023-642-785 Lot A, Sec. 17, Twp. 17, R. 11, W6M, KDYD, Plan KAP58358
Location:	East of Falkland

### **Site Inspection**

A site inspection was conducted on Wednesday, June 17<sup>th</sup>, 2009. Those in attendance were:

- Commissioners and staff noted above
- John and Lori Piper Applicants

John and Lori Piper confirmed that the staff report dated June 4, 2009, was received and no errors were identified.

The Commission viewed the property, noting that the 8 ha parcel was not developed for agriculture, but remained primarily forested.

### **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 subject property is;

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

The limiting subclasses are stoniness (P) and seasonal moisture deficit (M)

### **Assessment of Agricultural Suitability**

The Commission assessed whether external 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.

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

The Commission also assessed the impact of subdividing a 2 ha lot against the long term goal of preserving agricultural land. It is the Commission's experience that smaller parcels offer a narrower range of agricultural options, reducing the likelihood of agricultural development. Retaining parcels as large as possible is particularly relevant in agricultural areas where grazing and hay production predominate because of soil and climate conditions.

The Commission also believes the proposed subdivision, if approved, would raise expectations that further subdivision would be permitted, resulting in less agricultural activity and increased rural residential pressures.

### **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 impact 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 G. Gillette

THAT the application to subdivide a 2 ha lot from the 8 ha property 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution # 363/2009**