



Agricultural Land Commission
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June 15, 2010

Reply to the attention of Brandy Ridout
ALC File: 51689

Randy & Shaunette Hayward
861 60th Street SW
Salmon Arm, BC V1E 3B3

Dear Mr. & Mrs. Hayward:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2497/2010 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 'BU', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Salmon Arm (ALC.333)

BR/
51689d1

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 for the ALR portion of the subject property were interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system as approximately half 70% Class 3TP and 30% Class 6T and half 70% Class 6TP and 30% Class 5TW.

Classes:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately 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.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses:

- P stoniness
T topography
W excess water

The Commission believed that the area that had been cleared (approximately 5 ha) had good capability for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the ALR portion of the property to become unsuitable for agriculture. The Commission does not believe there are factors that render it 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. In this assessment, the Commission recalled its recent decisions in the area with regard to access roads through the ALR to reach non-ALR lands. Most recently, it refused and reconfirmed its refusal of a similar application for a panhandle access through the ALR on a property to the south. At that time, the Commission indicated that it would prefer that a new access road be located at the base

of the mountain to enable the subdivision of hillside lands because panhandle accesses erode the limited land base of ALR remainder parcels fronting onto 60th Street SW. However, the City of Salmon Arm does not currently support the dedication and construction of a new road at the base of the hill.

While the Commission recognizes that the west half of the property has limited agricultural capability, it believed that access roads through the ALR portion of the property would have a negative impact on agriculture in that 0.3 ha of land would be removed from possible agricultural production. As noted in recent applications in the area, the Commission would accept alternate access that does not impact the ALR portion of the property.

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.

IT WAS

MOVED BY: Commissioner Mayer
SECONDED BY: Commissioner Gillette

THAT the application to subdivide two 5.7 ha parcels with panhandle access to 60th Street SW from the 16.2 ha subject property leaving a 4.8 ha remainder wholly within the ALR 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.

CARRIED
Resolution #2497/2010