



Agricultural Land Commission
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September 28, 2010

Reply to the attention of Martin Collins
ALC File: 51889

Bob Holtby
2533 Copper Ridge Drive
West Kelowna, B.C.
V4T 2X6

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2653/2010 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Spallumcheen File: 09-0851-SPL-ALR

MC/51889/d1

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 of the soil 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.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The limiting subclasses are aridity, stoniness and topography.

The Commission confirmed that the property had challenges to soil based cultivation, but believed the land could be improved for agriculture.

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 the proposal against the long term goal of preserving agricultural land. The Commission believes that exclusion would result in more intensive residential development in the area, which is not consistent with the rural nature of Powerhouse Road, and which could negatively affect the existing or potential agricultural use of adjoining ALR lands.

Assessment of Other Factors

It was noted that earlier this year the Township of Spallumcheen Council requested that the Powerhouse Road area be reviewed by the ALC to assess its agricultural capability and utility, and retention in the ALR. The Commission declined to undertake an ALR boundary review. Furthermore Spallumcheen staff did not support the application, noting that it was not supported by OCP policies. Spallumcheen staff did recommend that the ALR be reviewed in the Powerhouse Road area in the context of a comprehensive review of the agricultural capabilities of the surrounding parcels.

It is the Commission's view that this parcel and others lying east of Powerhouse Road should be retained in the ALR in their present sizes to offer opportunity for small scale agriculture and to ensure that incompatible residential development does not occur in this farm area.

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 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 B. Miles

SECONDED BY: Commissioner J. Johnson

THAT the application to exclude 4.7 ha from 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 #2653/2010