



Agricultural Land Commission
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September 28, 2010

Reply to the attention of Martin Collins
ALC File: 51890

Jason R. Shortt
2801 – 32nd Street
Vernon, B.C.
V1T 5L8

Dear Sir:

Re: Application to subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2663/2010 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: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Spallumcheen File: #10-0216-SPL-ALR

MC/51890d1



A meeting was held by the Provincial Agricultural Land Commission on September 13th, 2010 at Kelowna, B.C.

PRESENT:	Richard Bullock	Chair
	Roger Mayer	Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Bert Miles	Commissioner
	Martin Collins	Staff
	Brian Underhill	Staff

For Consideration

Application: 51890
Applicant: Ken and Betty Rees
Agent: Jason Shortt
Proposal: To subdivide two 2 ha lots from the 32 ha property – 3.4 ha is also proposed for inclusion.
Legal: PID 011-849-801 Easterly 80 Acres of DL 1017, Twp 17, R. 10, W6M, KDYD....
Location: Township of Spallumcheen

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 of the soil of the subject property is 7:4TA 3:5TA;

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 aridity and topography.

The Commission noted that the area proposed for inclusion comprises both cleared and forested (brush) areas. It does not appear, from the airphotograph and BCLI map, that the area proposed for inclusion has significant agricultural capability (Class 6 and 7). It is noted that the upland portion not proposed for inclusion, though also containing class 6 and 7 land, appears to encompass areas which can be improved to Class 4,

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 the subdivision proposal would negatively affect existing or potential agricultural use of surrounding lands by adding non farm residents to the area, and by eroding the arability of the subject property. It is the Commission's experience that larger parcels are more likely to be used for agriculture and offer a greater range of agricultural options. In contrast the residents of small rural parcels tend to conflict with farming, by trespassing (pets and children) and stock harassment, and complaints about typical noises and smells.

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 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 R. Bullock

SECONDED BY: Commissioner B. Miles

THAT the application 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 # 2663/2010