



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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December 14, 2010

Reply to the attention of Brandy Ridout  
ALC File: 52014

Robert & Rebecca Alspaugh  
PO Box 57  
4240 Eldon Frontage Road  
Tappen, BC V0E 2X0

Dear Mr. and Mrs. Alspaugh:

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

Please find attached the Minutes of Resolution #2824/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'BU', is written over the 'Per:' label.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District (file no. LC2435C)

BR/  
52014d1



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 agricultural capability ratings for the subject property were interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system. The area proposed for subdivision is Class 2 with a limitation of cumulative and minor adverse characteristics. The ravine portion of the property is rated as 40% Class 4, 40% Class 3 and 20% Class 5, all with limitations of topography. Despite the mixed ratings of the ravine, after the site inspection, the Commission believed that the ravine itself had limited agricultural capability.

- Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.
- 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.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

### **Assessment of Agricultural Suitability**

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the portion of the property proposed for subdivision to become unsuitable for agriculture. Although the proposed 2 ha lot is separated from the remainder of the property by a ravine, the Commission noted that access is possible via Eldon Frontage Road and Kirkpatrick Road and that the 2 ha area had been used in association with the remainder in the past. As such, although the Commission recognized that the ravine poses an impediment to the ease of farming the unit as a whole, it does not make it impossible.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It believed that as it was possible to access the 2 ha portion of the property to farm it in association with the remainder, its subdivision would remove 2 ha from the larger farm operation. Subdividing the 2 ha portion would also mean that a new homesite would be developed, which would remove land from possible agricultural production and introduce another residence in this agricultural area. As such, the Commission believed the proposal would have a negative impact on existing or potential agricultural use of the subject property and surrounding areas.

### **Assessment of Other Factors**

The Commission recalled that in 1996 a similar request for subdivision of the portion of the property lying across the ravine had been considered and refused on the basis that it



would have adverse impact and intrusion. The proposal was reconsidered and refused 4 times (Legacy #H-30759).

**IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Johnson

THAT the application to subdivide approximately 2 ha from a 34 ha property as separated by a ravine, in order to build a new homesite for retirement 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.

**CARRIED**

**Resolution #2824/2010**