



**Agricultural Land Commission**  
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March 29, 2011

Reply to the attention of Martin Collins  
ALC File: 52073

R.G. (Bob) Holtby  
2533 Copper Ridge Drive  
Westbank, BC  
V4T 2X6

Dear Mr. Holtby,

**Re: Application to Exclude land from the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 107/2011 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 black ink, appearing to read 'BU', is written over a light grey horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District, File: LC2431C, LC2432D

LS/52073/d1



A meeting was held by the Provincial Agricultural Land Commission on March 17, 2011 in Vernon, B.C.

**PRESENT:**

Richard Bullock	Chair
Roger Mayer	Vice Chair, Okanagan Panel
Jim Johnson	Commissioner
Bert Miles	Commissioner
Liz Sutton	Staff
Martin Collins	Staff

**For Consideration**

Application: 52073  
 Applicant: Trevor & Trina Feist  
 Agent: R.G. (Bob) Holtby  
 Proposal: To exclude 10 ha from the ALR. Two adjoining parcels of 16 ha and 8 ha are under application; ~ 12 ha lies in the ALR.  
 Legal: Legal Subdivision 16 of Section 10 Township 21 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District  
 Location: 470 Sumac Road & Sunnybrae - Canoe Point Road, Sunnybrae

**Site Inspection**

A site inspection was conducted on Thursday March 17, 2011. Those in attendance were:

- Richard Bullock      Chair
- Roger Mayer        Vice Chair, Okanagan Panel
- Jim Johnson        Commissioner
- Bert Miles         Commissioner
- Liz Sutton         Staff
- Martin Collins     Staff
- Bob Holtby        Agent
- Trevor Feist        Applicant

Bob Holtby and Trevor Feist confirmed that the staff report dated January, 2011 was received. Bob Holtby provided comments on the staff report in an e-mail dated March 13, 2011. These comments, which reiterated the poor capability of the subject properties and corrected certain assertions in the staff report, were provided to the Commissioners.

**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 soil of the subject property is improvable to

70% Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

10% Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

20% Class 7 – Land in this class has no capability for arable or sustained natural grazing

The limiting subclasses are soil moisture deficiency and topography. During the site inspection the Commission noted areas of bedrock outcropping and the lack of any agricultural development. The Commission concurred with Mr. Holtby that the CLI ratings may not be accurate for the entire subject parcel.

### **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. The land is unimproved for agriculture. However some ALR parcels to the north and northeast are cleared and improved for agriculture (some also remain forested) and the area is rural, with minimal nearby non farm development.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Access to the parcel is limited and some nearby land in the ALR is developed for agriculture. Any future subdivision and residential development of the properties would require the construction of an access road and the provision of services. The Commissioner believed the development of this infrastructure may affect the nearby agricultural community by raising expectations of additional subdivision and land use change in the ALR. Heightened expectations tend to reduce or inhibit agricultural investment.

### **Assessment of Other Factors**

The Commission considered that the Columbia Shuswap Regional Board and the local area APC forwarded the exclusion application with a recommendation of support.

The Commission noted that the area is not subject to local government land use bylaws. The Commission believes that in areas without local land use bylaws, ad-hoc exclusion applications are not the appropriate process by which to assess community land uses, and potential ALR boundary amendments. Instead the Commission prefers that communities develop land use plans to provide direction to landowners and other provincial agencies.

### **Conclusions**

1. That the land under application has limited agricultural capability, but is appropriately designated as ALR and is suitable for some agricultural uses.
2. That the proposal would negatively impact the long term agricultural potential of the subject property.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Bert Miles  
**SECONDED BY:** Commissioner Jim Johnson

THAT the application to exclude 10 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 # 107/2011**