



Agricultural Land Commission
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November 30, 2011

Reply to the attention of Ron Wallace
ALC File: 51908

Helmuth & Brigitte Koch
2215 Enderby Mabel Lake Road
Enderby, BC
V0E 1V5

Dear Sir/Madam:

Re: Application for Inclusion of Land into the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 433/2011 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 'K. Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of North Okanagan (10-0137-F-ALR)



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

APPLICATION ID: #51908

PROPOSAL: To include the 1.7 ha subject property into the ALR. The property was recently excluded from the ALR in 2009 as part of the ALR Boundary review conducted by the Regional District of the North Okanagan and the ALC.

The application submitted pursuant to section 17(3) of the *Agricultural Land Commission Act*

PROPERTY INFORMATION:

PROPERTY

Owner: Helmut Friedrich Erich Koch & Brigitte Saur (As Joint Tenants)
Date of Acquisition: May 3, 2006
Parcel ID: 002-908-981
Title No. LA53542
Legal Description: Lot 9 Section 2 Township 19 Range 7 West of the 6th Meridian Kamloops Division Yale District Plan 35039
Civic Address: 2215 Enderby Mable Lake Road
Size: 1.7 ha
Area in ALR: 0 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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.

Agricultural Capability

Based on the information contained in Map 82L/11 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 6:4PT 4:5PT Improved Rating: (6:4PT 4:5PT)

Class and Subclass Descriptions

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.

T topography
P stoniness

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 noted in 2009 that the subject and neighboring properties on the north side of Enderby Mabel Lake Road were removed from the ALR as an outcome of the ALR boundary review conducted by the Regional District of North Okanagan for Electoral Areas "B", "C", and "F". The review recommended that the ALR boundary along Enderby Mabel Lake Road between Halfway Hill and Potrie Road be amended to follow the road because the upland alluvial fans in this area are not suitable for agriculture. The Commission in 2009 by Resolution #1005/2009 concurred with the Regional District's assessment that the identified properties and portions thereof which lie adjacent to Mabel Lake Road had little agricultural suitability due to the small flat areas, rough topography and/or poor soils. In reviewing the current proposal for exclusion of the subject property, the Commission maintains its position that the land should remain outside of the ALR.

CONCLUSIONS:

1. That the land under application was previously excluded from the ALR due to its limited agricultural suitability.
2. That the Commission maintains its position that the subject land should remain outside of the ALR.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Johnson

THAT the application to include the 1.7 ha subject property into 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 # 433/2011