



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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December 9, 2011

Reply to the attention of Ron Wallace  
ALC File: 52334

Jason R. Shortt, BCLS  
2801 - 32 Street  
Vernon, BC  
V1T 5L8

Dear Sir:

**Re: Application for Subdivision of Land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 457/2011 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 'B Underhill', is written over a light blue horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Spallumcheen (10-0758-SPL-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: #52334

**PROPOSAL:** To subdivide a ±1.8 ha portion of the property for the purpose of creating a parcel for a relative under Section 946 of the Local Government Act. There are two dwellings on the property and the proposed subdivision would create a separate lot for each dwelling.

The application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*

### PROPERTY INFORMATION:

#### PROPERTY

**Owner:** Mathew K Litt  
**Date of Acquisition:** November 19, 2003  
**Parcel ID:** 002-024-551  
**Title No.** KV142971  
**Legal Description:** Lot 3, Section 31 & 32, Township 35, K (Formerly O) Division of Yale District, Plan 1976 Except Plan KAP74456  
**Civic Address:** 3796 Canyon Road, Spallumcheen  
**Size:** 5.1 ha  
**Area in ALR:** 5.1 ha  
**Current Land Use:** Residential  
**Farm Classification:**  Yes  No  
(BC Assessment)

### SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 28, 2011 following which a report was prepared. The site inspection meeting report was provided to the applicant on October 13, 2011 by e-mail.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The September 28, 2011 site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

#### 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 1:20,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 4TA Improved Rating: (4T)

**Note:** These ratings cover most of the west and south side of the subject property

Unimproved Rating: 6:5T 2:6T 2:7R Improved Rating: (6:5T 2:6T 2:7R)

#### 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.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

T topography  
A soil moisture deficiency  
R bedrock near the surface

#### 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 property has areas of hilly to steep topography, areas of soil moisture deficiency and the center portion of the property has a pond / marshy area. It was noted that a

portion of the north end and a portion of the south end of the property are suitable for grazing or as pasture land.

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

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

### **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 Dyson  
**SECONDED BY:** Commissioner Bullock

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

### **CARRIED**

**Resolution # 457/2011**