



Agricultural Land Commission
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October 12, 2012

Reply to the attention of Ron Wallace
ALC File: # 52657

Gary Weninger
3702 Bohn Road
Tappen, BC
V0E 2X1

Dear Mr. Weninger:

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 83/2012 as it relates to the above noted application. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application should be directed to ALC Staff.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #83/2012

cc: Columbia-Shuswap Regional District (LC2457C)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52657.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL

To exclude approximately 1 ha portion of the subject property from the ALR for the purpose of creating another residential lot. The area proposed for exclusion is located in the southeast corner of the property adjacent to Mobley Road to the east.
(Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

EXCLUSION MEETING

An exclusion meeting was held on August 22, 2012 at the site of the subject property located on 3702 Bohn Road, Tappen. Those in attendance included the Commissioners Bullock, Miles and Johnson, ALC staff Ron Wallace and applicant Gary Weninger.

The applicant explained that the purpose of the proposed exclusion is to create another residential lot adjacent to Mobley Road. To help offset the loss of ALR land proposed for exclusion, the applicant is also proposing to include an equivalent area (~1 ha) into the ALR located in the northeast corner of the subject property.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings for the ALR portion of the property identified on Canada Land Inventory (CLI) map 82L074 is Class 4 improvable to Class 3 with fertility and moisture deficiency as limiting factors; and for the proposed exclusion area the CLI rating is Organic 5 (O5) soils. The proposed inclusion area (lying outside the ALR) consists of Class 6 soils with stoniness and topography as limiting factors.

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.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Conclusion: The Commission is not prepared to include the proposed area into the ALR on the basis of the proposed exchange or offset to accommodate the proposed exclusion. Based on the agricultural capability ratings, the Commission does not believe there is a benefit to agriculture with the proposed application.

2. The proposed exclusion is to accommodate the creation of a rural residential lot adjacent to Mobley Road.

Conclusion: Introducing smaller lots on or adjacent to ALR land creates pressure on agricultural lands, could lead to agricultural – residential conflicts, and could encourage future subdivision applications.

IT WAS

MOVED BY: Commissioner Johnson

SECONDED BY: Commissioner Pranger

THAT the request to exclude approximately 1 ha portion of the subject property from the ALR be refused.

AND THAT the applicant be advised that a revised proposal does not constitute new evidence 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 #83/2012