



Agricultural Land Commission
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February 7, 2013

ALC File: #53007

Jeanette and Jan Ullrich
4239 Salmon River Road
Armstrong, BC V0E 2B4

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #29/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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 is to be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #29/2013

cc: Township of Spallumcheen (12-0343-spl-alr)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 22, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53007.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To do a boundary line adjustment between a 1.9 ha lot and a 31.5 ha lot to create two approximately equal-size lots (i.e. ± 16.7 ha). As an alternative, the applicant proposes a reversal of the boundary line adjustment that was done in 2004 to create a ± 24 ha lot and a ± 9.4 ha lot.

Note: The 2004 boundary line adjustment was approved by the Approving Officer pursuant to section 10 of BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation).

10(1) Despite section 18 (b) of the Act, an approving officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act may authorize or approve a plan of subdivision without the approval of the commission if the proposed plan achieves one or more of the following:

- (c) involves not more than 4 parcels, each of which is a minimum of 1 ha, and results in all of the following:
 - (i) no increase in the number of parcels;
 - (ii) boundary adjustments that, in the opinion of the approving officer, will allow for the enhancement of the owner's overall farm or for the better utilization of farm buildings for farm purposes;
 - (iii) no parcel in the reserve of less than 1 hectare;

PROPERTY INFORMATION:

Owner: Jan and Jeanette Ullrich

Legal: 1. PID: 026-220-946
Lot 1, District Lot 996, Kamloops Division Yale District and of Section 1, Township 34, Kamloops (Formerly Osoyoos) Division Yale District, Plan KAP76815

Size: 31.5 ha

2. PID: 026-221-039
Lot 2, District Lot 996, Kamloops Division Yale District, Plan KAP76815

Size: 1.9 ha

Location: Spallumcheen, BC

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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on the BC Land Inventory (BCLI) Map 82L.044 is predominately Class 3, Class 4, Class 5 and Class 6. The subclass limitations associated with the agricultural capability ratings are (T) topography, (A) soil moisture deficiency and (D) undesirable soil structure. It was noted that most of the better capability land is located within the larger property, Lot 1 Plan KAP76815.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Conclusion:

The large majority of the subject land has good capability for agricultural use.

2. That Lot 1 (as a 31.5 ha property) is well suited for agricultural purposes and that Lot 2 (as a 1.9 ha property) is relatively small and better suited as a rural residential lot. The Commission recognized the objective of the application is to create two more usable farm properties from the current lot configuration.

Conclusion:

The Commission noted the larger of the two properties, being 31.5 ha, is ideally suitable for agricultural use and it believed that either of the proposed boundary line adjustments would narrow the range of agricultural options available for this property.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Thibeault

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THAT the application be refused.

CARRIED
Resolution #29/2013