



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

November 27, 2007

Reply to the attention of Brandy Ridout
ALC File: H-37387

Lindsay Moir
5539 Dairymple Hill, N.W
Calgary, AB T3A1R1

Dear Sir:

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

Please find attached the Minutes of Resolution # 566/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2353-B)

Enclosure: Minutes



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 9, 2007 at the Ministry of Agriculture and Lands offices located at 4607 - 23rd St, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Roger Mayer	Commissioner
	Sid Sidhu	Commissioner
	Brandy Ridout	Staff
	Martin Collins	Staff

For Consideration

Application: # H- 37387
Applicant: Lindsay Moir
Proposal: To exclude 28.7 ha of the 53 ha subject property to develop a 52-lot residential subdivision with lots ranging in size from 0.4 ha to 2 ha. The remainder of the property will be developed as a park.
Revised Proposal: On October 29, 2007 following a site meeting with the Commission on September 18, 2007 and a meeting with staff on October 23, 2007, the applicant revised the proposal reducing the exclusion area to 16.8 ha, to be consistent with previous Commission decisions and local government direction.
Legal: PID: 011-096-543
District Lot 8682, Kootenay District, EXCEPT 1) Parcel A (Sketch Plan 4180I) and 2) Parts included in Plans 7630 and 10512
Location: Galena Bay, South of Revelstoke

Site Inspection

A site inspection was conducted on September 18, 2007. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Monika Marshall Commissioner
- Sid Sidhu Commissioner
- Brandy Ridout Staff
- Martin Collins Staff
- Lindsay Moir Applicant
- Gordon Moir Applicant

Mr Moir confirmed that the staff report dated September 17, 2007 was received and no errors were identified.

The Commission walked on the northern half of the property that was largely cleared. Soil and slope conditions were noted.

Commissioner Eligible to Vote

Commissioner Roger Mayer was not present at the site inspection. It was confirmed that a summary of the site inspection was provided, thus establishing the Commissioner's eligibility to vote on the application.

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 and Suitability

The Commission's site visit, Canada Land Inventory mapping, and supporting information submitted by the applicant (*Agricultural Capability and Suitability Assessment* by Mike Doggart and David Struthers (p. Ag.)) confirm that the soil capability of the property is a complex mix of prime and secondary soils.

The primary limitations for soil based agriculture are soil moisture deficiency in summer, unsuitable soil structure, pervasive stoniness, and excessive wetness in several areas due to underground seepage towards Arrow Lake.

The ratings interpreted using the Canada Land Inventory (CLI) are 6:5TP 4:4MP improvable to (6:5TP 4:3TP). The ratings show that over half the property is comprised of Class 5 soils that are limited by topography and stoniness and cannot be improved, essentially limiting the land to producing perennial forage crops.

The more detailed *Agricultural Capability and Suitability Assessment* suggests somewhat more positive soil conditions than the CLI mapping: the northerly 22 ha has a soil capability rating of 2W, 3AD and 4P, and the southerly 31 ha has ratings of 3AD, 4P and 5W.

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

Subclasses:

- M/A soil moisture deficiency
- P stoniness
- D undesirable soil structure
- T topography
- W excess water

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission noted that residential densities in the area are low and potential residential/farm conflicts are unlikely. However, the Commission concurred with the arguments presented by the applicant that the subject property and surrounding area have little likelihood of being farmed given the conditions for agricultural development are not present, (i.e. the subject and surrounding properties are remote and have restricted access agricultural infrastructure or markets) and there is little likelihood that these conditions will change.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposed exclusion against the long term goal of preserving agricultural land. The Commission noted that approximately 6.8 ha of the lakeshore area of the subject property is not in the ALR, recalling that the applicant had plans to develop this area for high density residential if no further exclusion is permitted. Given the narrow configuration of the non ALR portion of the property, it is unlikely that any residential lot development could be accommodated without intruding into the ALR. The Commission is prepared to consider a limited expansion of the excluded lakeshore area, acknowledging this area has little likelihood of being developed for agriculture (given its high value for residential uses).

Assessment of Other Factors

The Commission noted that it approved the exclusion of the 14 ha foreshore property to the north (DL 2111) for residential development in 1977, and that since the inception of the ALR, no agricultural development was observed in the region.

The Commission also recalled that although no OCP currently exists in the area, an Official Community Plan (OCP) is under development, which establishes density restrictions and encourages clustering (limiting development density to approximately one residential unit per hectare).

The Commission believed that even though the soil and climate capabilities of the property suggest some limited potential for agricultural development (primarily pasture uses), the lack of agricultural development on nearby properties (affected by similar soils), reflects the reality that the remote location of the land, and severe climate are not conducive to agricultural development in the short term. In addition the high recreational/residential value of the foreshore portion of the property reinforces the limited suitability of the foreshore area for agricultural development. That being said, the Commission was not prepared to exclude any land beyond an unspecified foreshore area to ensure that the options remain open for long term agricultural development for the property and the surrounding area.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the application to exclude 16.8 ha be refused as proposed.

AND THAT the Commission has allowed, in principle, the exclusion of an unspecified foreshore area for residential development, subject to the following conditions:

- The preparation of a draft subdivision plan acceptable to both the Commission and the Columbia Shuswap Regional District showing the location and size of residential parcels, road access and parkland, delineating the precise area to be excluded. However, the excluded area must be less than 16 ha.
- The subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 566/2007