



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

August 27, 2008

Reply to the attention of Brandy Ridout
ALC File: **H-38182**

Brian Howard
Box 40 - 4138 Meadow Crescent Road
Celista, BC V0E1L0

Dear Mr. Howard:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #449/2008 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 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

cc: Columbia Shuswap Regional District (LC2380-F)

Enclosure: Minutes

BR

i\38182d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on August 7, 2008 in Vernon, BC.

PRESENT: Roger Mayer Chair, Okanagan Panel
Sid Sidhu Commissioner
Gerald Zimmermann Commissioner
Brandy Ridout Staff

For Consideration

Application: #H-38182
Applicant: Brian Howard
Proposal: To subdivide a 2.1 ha lot from the 8.2 ha subject property.
Legal: PID: 004-529-154
Lot D, Section 23, Township 23, Range 1, W6M, Kamloops Division
Yale District, Plan 28542
Location: 4138 Meadow Creek Road, North of Celista

Site Inspection

A site inspection was conducted on August 7, 2008. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Sid Sidhu Commissioner
- Gerald Zimmermann Commissioner
- Brandy Ridout Staff
- Brian Howard Applicant

Mr. Howard confirmed that the staff report dated July 25, 2008 was received and no errors were identified.

Subdivision along the ALR boundary was discussed and it was indicated by the applicant that either an access road through the property or the construction of the dedicated road adjacent to the east of the property would be required. In order to avoid both options, the proposal requests to subdivide a lot that would have access off Meadow Creek Road.

The Commission walked the ALR portion of the property and the applicant indicated areas of excess water (seasonally inundated wetland).

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the ALR portion of the subject property is Class 3 with a limitation of soil moisture deficiency. Class 3 land has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

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 does not believe there are factors that render the ALR portion of the property unsuitable for agricultural use.

Assessment of Impact on Agriculture

The proposal was also assessed in terms of impact with regard to the long-term goal of preserving agricultural land. While the Commission recognized that the subject property was currently not being farmed, it believed that the ALR portion of the property had more agricultural value as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The Commission noted that the property could be subdivided along the ALR boundary without application but that access to the non-ALR area was an issue. It did not believe that this was appropriate rationale for subdividing the ALR portion of the property.

The Commission recalled that under Resolution #716/1993 (application #H-28003), the subdivision of the subject property into two lots had been refused on the grounds that the ALR portion of the property has agricultural capability and the subdivision proposal would split this good capability land in half. In addition, at that time it was noted that the Commission endeavours, whenever possible, to support the agricultural land preservation efforts of local governments. The CSRD forwarded the previous application for subdivision as well as the current application with a recommendation for refusal.

Conclusions

1. That the ALR portion of the subject property 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 have a negative impact on 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 Sidhu
SECONDED BY: Commissioner Zimmermann

THAT the application to subdivide a 2.1 ha lot from the 8.2 ha subject property be refused on the grounds that the land has agricultural capability and more agricultural value as a single unit.

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 #449/2008