



Agricultural Land Commission
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December 7, 2009

Reply to the attention of Brandy Ridout
ALC File: H-36324

Darrell G. Trouton
Jaltia Management Corporation
PO Box 1020
Sicamous, B.C. V0E 1V0

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #1568/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan. It will also confirm for the Registrar the area excluded from the ALR.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes

cc: District of Sicamous, Attention Alan Harris, Chief Administrative Officer

MC/
36324d1



A meeting was held by the Provincial Agricultural Land Commission on November 27, 2009 at the Ministry of Agriculture and Lands Office, located at 200-1690 Powick Road, Kelowna, B.C.

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

For Consideration

Application: 36324 (42480)
 Applicant: Jaltia management Corp. Inc. BC 0734143
 Agent: Darrell G. Trouton
 Proposal: To exclude 7.5 ha from the ALR for urban residential development.
 Legal: Lot 15, DL 497, KDYD, Plan 5217, Except Plans 11304, 14124, 17486, 17487, 19267 and 30749 (PID 010-330-607)
 Location: District of Sicamous

Site Inspection

A site inspection was conducted on Wednesday, December 7, 2005. Those in attendance were:

- Sue Irvine Chair, Okanagan Panel
- Sharon McCoubrey Commissioner
- Brandy Ridout Staff
- Martin Collins Staff

Darrell Trounton confirmed that the staff report dated November 7, 2005 was received and no errors were identified.

The Commissioners viewed the property, noting that it was flat and that the land had once been cleared but was now re-growing to forest. Adjoining lands to the north and east are used for residential development.

Commissioner Eligible to Vote

Commissioners Roger Mayer and Sid Sidhu were 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

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.

The agricultural capability of the soil of the subject property is

30% Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

70% Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The limiting subclasses are excess water and periodic inundation. However, given the location of this parcel it is unlikely that either occurrence is frequent.

Assessment of 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 believed that the development of suburban residential on three sides rendered the land unsuitable for agricultural development.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission believes the exclusion and residential development of this parcel would not have any negative impacts on adjoining or nearby farmland, because the only ALR lands that border the subject property lie to the south. The two bordering properties are between 1 ha and 2 ha in size and are used for rural residential purposes.

Assessment of Other Factors

The Commission recalled its review and partial endorsement of the District of Sicamous' "Growth Management Strategy". The Commission concurred with the District's assertion that the subject property was unsuitable for agricultural uses and was necessary to accommodate urban growth pressure, in particular for affordable housing for low to middle income residents of the District who are currently having trouble finding affordable housing because development has been focused on the residential recreational market.

The Commission was also concerned about the potential for this land to be underutilized (i.e. developed for low density suburban housing). It is the Commission's view that in order to limit pressure on the ALR, available development land should be used as efficiently as possible. The application originally identified 69 lots for development, at a density of 10 lots per hectare. The Commission believes that this density underutilizes the property. As such, to reduce housing pressure on agricultural land, and to aid affordability, the Commission requires, as a condition of approval, that a minimum residential density of 30 units per hectare be developed on the property.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is unsuitable for agricultural use.
3. That the exclusion and subsequent residential development will not substantively impact agriculture, provided generous building setbacks and fencing and buffering are established.

IT WAS

MOVED BY: Commissioner Mayer

SECONDED BY: Commissioner Sidhu

THAT the application to exclude 7.5 ha from the ALR be allowed in principle subject to the following conditions:

- The preparation of a subdivision plan that is consistent with the District of Sicamous's Affordable Housing strategy, and which provides for a minimum residential density of 30 units per hectare;
- The planting of a vegetative buffer on the south property boundary to establish a visual and air movement barrier against the ALR boundary. Please submit a vegetative buffer plan for the Commission's review and approval.
- The construction of a six foot high solid wood or concrete fence on the south boundary of the property to limit trespass by residents into the ALR.
- The registration of a "no build" covenant on the southerly 20 meters of the property to ensure that residences are not constructed within 20 meters of the adjoining ALR properties.
- The subdivision plan noted above must be approved and registered 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. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution #1568/2009