



Agricultural Land Commission
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December 11, 2009

Reply to the attention of Brandy Ridout
ALC File: 50713

Edward Nunn
4226 Granger Road
Nelson, BC V1L 6T1

Dear Mr. Nunn:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #1549/2009 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'Erik Karlsen', is written over the printed name below.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District Okanagan Similkameen (H09-00926.000)

BR/
50713d1



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: 50713
Applicant: Gecosa Management Ltd
Agent: Edward Nunn
Proposal: To subdivide the 69.8 ha subject property lot into 3 lots - 2 x 8 ha and 1 x 53.8 ha. As the property is partly in the ALR, the two 8 ha lots would be entirely in the ALR and the 53.8 ha lot would have 15.1 ha in the ALR and 38.7 ha outside the ALR.
Legal: PID: 003-308-677
District Lot 1199 Kamloops Division Yale District Except: (1) Parcel A (DDN2769F) (2) Plans E15671 and 36371
Location: 2692 Highway 5a

Site Inspection

A site inspection was not conducted.

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 ALR portion of the subject property is predominantly Class 4 with a limitation of excess water. Class 4 land has limitations that require special management practices or severely 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 ALR portion of the property to become unsuitable for agriculture. While it noted that a portion of the property is in close proximity to the lake and therefore can suffer from excess water, in general, it does not believe there are factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It noted that the two proposed 8 ha lots would divide the farm lands on the property onto two separate lots. The Commission believed that there was no agricultural rationale to subdivide the lowland Class 4 area and that the subject property had more agricultural potential as a single unit. It believed that subdivision would negatively impact the agricultural opportunities available in the long-term.

As approximately 38 ha of the subject property lie outside the ALR and could be subdivided without application, the Commission believed that there are non-ALR options for subdivision on the property.

Conclusions

1. That the majority of the ALR portion of the 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 Mayer

THAT the application be refused on the grounds that the subject property has more agricultural potential 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 #1549/2009