



Agricultural Land Commission
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June 15, 2010

Reply to the attention of Brandy Ridout
ALC File: 51690

Raymond & Alfreda Oberg
3901 65th Avenue NW
Salmon Arm, BC V1E 3A5

Dear Mr. and Mrs. Oberg:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2496/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Salmon Arm (ALC.332)

BR/
51690d1



A meeting was held by the Provincial Agricultural Land Commission on June 10, 2010 at the Ministry of Agriculture and Lands Office, located at 200-1690 Powick Road, Kelowna, B.C.

PRESENT:	Roger Mayer	Chair, Okanagan Panel
	Gordon Gillette	Commissioner
	Brandy Ridout	Staff

For Consideration

Application: 51690
 Applicant: Raymond & Alfreda Oberg
 Proposal: To subdivide a 0.65 ha lot for the applicants' son from the 2.75 ha property. The property is used for a rural residence and is unimproved for agriculture.
 Legal: PID: 002-343-622
 Lot A Section 33 Township 20 Range 10 West of the 6th Meridian
 Kamloops Division Yale District Plan 14023
 Location: 3901 - 65th Avenue NW, Salmon Arm

Site Inspection

A site inspection was conducted on June 9, 2010. Those in attendance were:

- Roger Mayer Chair, Okanagan Panel
- Gordon Gillette Commissioner
- Brandy Ridout Staff
- Raymond Oberg Applicant

Mr. Oberg confirmed that the staff report dated May 17, 2010 was received and no errors were identified. He provided a map showing small lots in the area of a similar size to the one being proposed for subdivision.

The Commission toured the property and the applicant pointed out the proposed lot lines of the 0.65 ha lot. He indicated that instead of the lot as proposed, ideally the southern lot line would be moved 10 to 20 feet to the south (i.e. 75 to 80 feet from the northwest corner of the property) in order to accommodate a septic field. The Commission noted that the majority of the property is forested, a creek runs through the northern portion, and the previously cleared area near the house is re-growing to trees.

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 for the subject property were interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system as 60% Class 4 and 40% Class 3, both with limitations of soil moisture deficiency and topography. These ratings indicate a mix of prime and secondary soils. While recognizing that portions of the property had challenges to their agricultural use, including the presence of rock outcroppings, the Commission believed the soil generally had agricultural capability and that the property could be used for some form of agriculture. It noted that similar sized properties with similar soils in the area are cleared and used for agriculture.

Assessment of Agricultural Suitability

The Commission assessed whether factors such as current parcel size or encroaching non-farm use have caused or will cause the land to become unsuitable for agriculture and did not believe there are factors that render the land unsuitable for agricultural use. However, it did believe that the subdivision of a 0.7 ha lot from the property would reduce the overall suitability of the subject property for agriculture by narrowing the range of agricultural options and increasing the residential density in the area.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It understood that there were small lots of a similar size to the proposed 0.7 ha lot in the area but also understood that they were lots created before the inception of the ALR and did not appear to be used for agriculture (with the exception of the property to the east that has a small cleared field). It recalled that a similar small lot subdivision of the subject property was previously refused.

It believed that the subdivision of a 0.7 ha lot from the 2.8 ha lot would have a negative impact on agriculture in that it would create a residential lot that would be unlikely to be used for agriculture and reduce the agricultural suitability of the parent property.

Conclusions

1. That the land under application 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.

IT WAS

MOVED BY: Commissioner Mayer
SECONDED BY: Commissioner Gillette

THAT the application to subdivide an approximately 0.7 ha lot for the applicants' son from the 2.8 ha property be refused.

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 #2496/2010