



Agricultural Land Commission
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June 21, 2010

Reply to the attention of Brandy Ridout
ALC File: #51723

Carole Pinette
4622 - Highway 97A
Armstrong, BC
V0E 1B8

Dear Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2519/2010 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: Township of Spallumcheen (10-0037-SPL-ALR)

MC/
51723d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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: #51723
Applicant: Carol Pinette
Proposal: To subdivide a 1.5 ha lot from the 6.7 ha property.
Legal: PID: 001-691-376
Lot A, Sec. 15, Twp. 35, KDYD Plan 35529
Location: 4622 Highway 97A, Spallumcheen

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 agricultural capability of the soil of the subject property was interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system as:

- 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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

The limiting subclasses are excess water (organic soils) and topography (mineral soils). The Commission recognized that portions of the property had challenges to agricultural uses due to the presence of numerous structures and steep slopes.

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 land unsuitable for agricultural use. The subject property lies in a farm area, characterized by large parcels and farming activity.

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 expressed concern about the creation of two residential parcels in this farm area. It also recalled that the property was the result of a homesite severance and that similar subdivision proposals for this property had previously been refused both by the Commission and not forwarded by the Township.

Assessment of Other Factors

The Commission appreciated that there were challenges to using this property for farm purposes. However it believed subdivision would not enhance the land's agricultural potential.

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 negatively impact 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 Mayer
SECONDED BY: Commissioner Gillette

THAT the application to subdivide a 1.5 ha lot from the 6.7 ha property be refused as proposed.

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 #2519/2010