



Agricultural Land Commission
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September 28, 2010

Reply to the attention of Martin Collins
ALC File: 51748

R.G. Holtby, P. Ag.
2533 Copper Ridge Drive
West Kelowna, B.C.
V4T 2X6

Dear Sir:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2655/2010 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District File: LC2425C

MC/51748d1

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 subject property is 80% 7:2D 3:2X and 20% 4TM (3TM)

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

The limiting subclasses are undesirable soil structure and topography.

The Commission also reviewed the August 29th letter from Bob Holtby indicating that the soils on the property are severely eroded and that only ~0.8 ha of the 4 ha parcel could be cultivated. Furthermore B. Holtby indicates that a series of complex erosional channels limit the potential cultivation of the parcel, as does a lack of water license for irrigation. Overall his assessment was that the only use for the property was rural residential, whether or not it was subdivided.

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 does not believe there are external factors that render the land unsuitable for agricultural use. The property lies in a farm area and nearby parcels are used for agriculture.

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 acknowledged that the cultivation of the property would be a challenge given the erosion channels observed on the site visit. That being said the Commission did not concur with the agent's assessment that the land is not agricultural land. The Commission believes the parcel, as currently configured has greater potential to be used for agriculture than if it were subdivided into two 2 ha lots. For example the loss of the limited amount of flatter land to another homesite would reduce the potential for small scale agriculture.

Assessment of Other Factors

The Commission recalled that it had twice previously refused the subdivision of the parcel into two ha lots. Also the applicants do not live on the property and there was no evidence that the owners have made any effort to use the parcel for agricultural purposes since it was purchased in November of 2007.

Conclusions

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal will result in more intensive residential uses, and not agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner R. Mayer

SECONDED BY: Commissioner B. Miles

THAT the application 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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

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 # 2655/2010