



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

March 29, 2011

Reply to the attention of Martin Collins
ALC File: 52056

Kenneth and Shirley Topham
2012 Pleasant Valley Road
Armstrong, B.C.
V0E 1B0

Dear Sir:

Re: Application Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 83/2011 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, File: 10-0502-SPL-ALR

LS/52056/d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 17th 2011 in Salmon Arm, B.C.

PRESENT:	Richard Bullock	Chair
	Roger Mayer	Vice Chair, Okanagan Panel
	Jim Johnson	Commissioner
	Bert Miles	Commissioner
	Liz Sutton	Staff
	Martin Collins	Staff

For Consideration

Application: 5205
Applicant: Kenneth and Shirley Topham
Proposal: To subdivide the 2.6 ha parcel into two lots of roughly equal size
Legal: Lot 3 Section 31 Township 4 Osoyoos Division Yale District Plan 620
Location: 2012 Pleasant Valley Road

Site Inspection

A site inspection was conducted on March 16, 2011. Those in attendance were:

- Richard Bullock Chair
- Roger Mayer Chair, Okanagan Panel
- Jim Johnson Commissioner
- Bert Miles Commissioner
- Liz Sutton Staff
- Martin Collins Staff
- Kenneth Topham Applicant
- Shirley Topham Applicant

Kenneth and Shirley Topham confirmed that the staff report dated November 26, 2010 was received and no errors were identified.

The applicants explained that they wanted to subdivide the property in order to build a house for their children on the new lot. The Commission noted that the Topham property has a shared hay field with their neighbours Redekop (# 52055) and Ranger (#52054).

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 B.C. Land Inventory (CLI) 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is improvable to (2D):

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

The limiting subclasses are soil moisture deficiency and unfavourable soil structure.

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 noted that the subject property was located in a node of smaller 2-3 ha parcels, but that some adjacent ALR parcels were much larger. The Commission does not believe that current parcel sizes or land uses 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. The Commission believed that subdivision of the property would significantly decrease its agricultural potential, by alienating additional land for residential infrastructure (i.e. house, septic, yard, driveway, outbuildings etc) and creating parcels that would be too small to be used for agriculture (1.5 ha). The Commission considered this application in conjunction with two similar applications on adjoining parcels, and believed that the proposed six 1.5 ha lots were not supportive of agriculture and could result in residential/farm conflicts, reduced agricultural activity on nearby and adjoining ALR parcels, and raised expectations that further subdivision would be permitted in the area.

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 subdivision proposal will negatively affect the potential for agricultural use.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Johnson
SECONDED BY: Commissioner B. Miles

THAT the application be refused on the grounds that subdivision will reduce agricultural potential.

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 # 83/2011