



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
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July 18, 2011

Reply to the attention of Jennifer Carson  
ALC File: #52077

Kenneth Patrick  
Springford Patrick Law Corporation  
8-1540 Springhill Drive  
Kamloops, BC  
V2E 2H1

Dear Mr. Patrick:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 249/2011 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: Thompson-Nicola Regional District, #300 - 465 Victoria Street , Kamloops, B. C. , V2C 2A9 (ALRP-107)

JC/  
52077d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

### COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

### COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Eamonn Watson	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

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### APPLICATION ID: #52077

**PROPOSAL:** To subdivide 4.7 ha into two approximately 2.3 ha lots.  
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

**Parcel ID:** 024-457-736  
**Legal Description:** Lot B Section 3 Township 22 Range 15 West of the 6th Meridian  
Kamloops  
**Civic Address:** Heffley Creek  
**Size:** 4.7  
**Area in ALR:** 1.7 ha  
**Current Land Use:** Residence and garden  
**Farm Classification:** No  
(BC Assessment)  
**Property Owner(s):** Johann & Brenda Steiner  
**Purchase Date:** July 2003

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### COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

## **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, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved agricultural capability ratings of the soil of the subject property are:

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.

### **Subclasses**

- P stoniness
- R shallow soil / bedrock outcroppings
- T topography

The Commission notes that approximately 20% or 1.7 ha of the subject property is improvable to Class 3 and 4 with the limitations of stoniness and topography which makes up the ALR component of the property. Whereas the remaining 80% of the property, which also comprises the non-ALR portion of the property is Class 6 with the limitations of stoniness, topography and shallow soil/bedrock outcroppings.

## **Agricultural Suitability**

The Commission discussed the size of the property, that 80% of the property is situated outside the ALR and the minimal agricultural capability and determined that it was not highly suitable to a wide variety of agricultural uses.

## **Assessment of Potential Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission's fundamental concern with the proposed subdivision of this application is that it would increase the number of residences in the area and therefore increase the potential for land use conflicts to the detriment of the people currently farming in the area, south of the subject property as well as those farming in the future. The Commission believes the proposal would adversely impact existing or potential agricultural use of surrounding lands.

## **Other Factors**

Through the previous applications that created the subject property, the area has already been subdivided quite substantially and as such the Commission is not interested in supporting further subdivision in the area.

## **CONCLUSION:**

That the proposal will adversely impact agriculture through the potential land use conflicts arising due to an additional residence in the area to the detriment of those farming the land south of the highway.

**IT WAS**

**MOVED BY:** Commissioner Dyson

**SECONDED BY:** Commissioner Collins

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 and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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**CARRIED**

**Resolution # 249/2011**