



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: 52078

Doug Haayer
Box 323
135 Blackmine Road
Princeton, BC
V0X 1W0

Dear Mr. Haayer:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 108/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Martin Collins', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District Okanagan Similkameen, File: H10-00666.500

LS/52078/d1



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

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

For Consideration

Application: 52078
Applicant: Doug & Jody Haayer
Proposal: To exclude a 26.8 ha parcel from the ALR in order to subdivide land into three 8 ha parcels
Legal: That part of District Lot 232 Yale Division of Yale District which lies South of the South Boundary of Plan H17683
Location: 135 Black Mine Road

Site Inspection

A site inspection was conducted on Tuesday March 15, 2011. Those in attendance were:

- Roger Mayer Vice Chair, Okanagan Panel
- Jim Johnson Commissioner
- Bert Miles Commissioner
- Doug Haayer Applicant

The Commission and Mr. Haayer discussed the suitability of the subject property for agricultural purposes, and the potential impacts of exclusion of land from the ALR.

Mr. Haayer confirmed that the staff report dated February, 2011 was received and no errors were identified.

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 Canada Land Inventory (CLI) system. The agricultural capability of the soil of the subject property is improvable to;

- 70% Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- 30% 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 topography, shallow soils, bedrock outcropping, and soil moisture deficiency. The Commission believes that the land is suitable for grazing livestock.

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 is located in an area characterized by large parcels. The Commission believes that the soil capability of the property requires a large parcel to allow the farmer a sufficient range of agricultural options. The Commission has consistently avoided subdividing small lots in this area because it reduces the capacity of the land to sustain agricultural activities. The Commission does not believe that creating three smaller ~8 ha parcels will increase the agricultural potential or use of the land.

Mr. Haayer refers to two specific exclusions in his letter to the Commission which were removed from the ALR due to poor agricultural capability. The adjacent parcel to the east of the subject property was removed from the ALR in 2004 due to poor agricultural capabilities resulting from historic gravel extraction. The other nearby exclusion in 2001 was allowed on the basis that the land would facilitate a forestry operation. The Commission does not believe that the characteristics of this application are similar to the referenced applications, nor is the Commission bound by precedent or previous decisions.

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 believes the proposal would negatively impact the existing or potential agricultural use of surrounding lands. The size and configuration of the subject property is consistent with other parcels in the area. Exclusion and subdivision into three ~8 ha lots represents a rural residential intrusion into this grazing area, and could result in conflict between residential and agricultural uses, and raise expectations of further land use changes. Land use uncertainty results in less rather than more agricultural activity.

Assessment of Other Factors

The Commission also took into consideration its refusal of an application for exclusion and subdivision received from the previous owner in 2006, and the letters received from neighbours, one of whom is utilizing similar land for grazing livestock.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Bert Miles

SECONDED BY: Commissioner Jim Johnson

THAT the exclusion application be refused because the land has grazing potential, typical to other ALR properties in the area.

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 # 108/2011