



Agricultural Land Commission
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November 16th, 2011

Reply to the attention of Ron Wallace
ALC File: 52101

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

Dear Sir:

Re: Application for Subdivision within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #377/2011 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

If you have any further questions please contact this office.

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: City of Salmon Arm File: ALC 366



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October, 26th, 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
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

APPLICATION: # 52101

PROPOSAL:

The application is submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*

PROPERTY INFORMATION:

Parcel ID: 006-592-007

Property Owner: Carol Van Ommen

Date Acquired: May 1998

Legal Description: Lot A, Sec. 31, Twp. 20, R. 9, W6M, KDYD Plan 23027

Civic Address: 5121 50th St. NE

Size: 7.6 ha

Area in ALR: 7.6 ha

Current Land Use: Rural residence, large shop, forested areas (50%) and cleared field

Farm Classification: No

(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 29th, 2011 following which a report was prepared. The site inspection meeting report was submitted to the applicant on October 17th, 2011.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The September 29th, site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

In addition the Commission was provided with copies of Bob Holtby's (the agent) application report dated October 22, 2010.

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.

The agricultural capability of the soil of the subject property is 90% 6:4T 4:5T. There is a small area (10%) of 7TC land in the northwest corner of the parcel:

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.
- Class 7 – Land in this class has no capability for arable or sustained natural grazing

The primary limiting subclass is topography (T).

The agent's October 22, 2010 report indicates that there is about 4 ha of arable land on the parcel which is being proposed to being split into two somewhat equal parts.

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. Many parcels lying west of, and adjacent to, Highway #1 between Canoe and Salmon Arm, are a similar size and have some type of agricultural development (i.e. cleared fields). However, unlike the subject parcel, most of the nearby parcels to the south straddle the significant topographic break that runs north to south, and parallel to the highway. The subject parcel lies wholly east of the topographic break.

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 believes the subdivision proposal would raise expectations that similar subdivision would be permitted in this area. The potential impacts of raised expectations are speculation, reduced incentive for agricultural development, and continuing pressures to subdivide.

Other Factors

The Commission noted that City of Salmon Arm Development Services Report dated Nov. 22, 2010 indicates that the subdivision application is not in keeping with the City's rural land use policies.

The Commission appreciated that portions of the property had challenges for agricultural development due to steep topography. However it was concerned that subdivision of the property's most arable areas into two separate lots would reduce the land's agricultural potential, and only further encourage the parcel's use for rural residential purposes. The Commission does not believe that the existence of a large shop building on a significant portion of the parcel's arable land was in the best long term agricultural interests of the parcel, nor that the building's presence should compel a favourable decision.

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 has potential to negatively affect agricultural potential, by reducing potential to utilize the most arable portions of the property as a single unit.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Richard Bullock

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

CARRIED

Resolution #/3772011