



Agricultural Land Commission
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June 16, 2011

Reply to the attention of Ron Wallace
ALC File: 52184

Lorne Major
1403 McCleod Road, RR 8
Armstrong, BC
V0E 1B8

Dear Mr. Major:

Re: Application for Non-farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 207/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Township of Spallumcheen (10-0701-SPL-ALR)

RW/52184d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 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:

Ron Wallace	Land Use Planner
Eamonn Watson	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52184

PROPOSAL: To construct a treated effluent disposal field of approximately 780 m² and a back up disposal field of similar area on the ALR portion of the property.
(Application submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

PROPERTY

Owner: Lorne Major and Linda Major (As Joint Tenants)
Date of Acquisition: November 24, 2009
Parcel ID: 008-967-539
Title No. X223873
Legal Description: The Easterly ½ of the Southerly 160 Rods of district Lot 990 Kamloops Division Yale District
Civic Address: 1403 McLeod Road
Size: 33.5 ha
Area in ALR: 12.8 ha
Current Land Use: Agricultural (horses), residential, retail
Farm Classification: Yes No
(BC Assessment)

COMMISSION CONSIDERATION:

Context

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission as: (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

Based on the information contained in Map 82L/06 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture in Canada' system, the agricultural capability ratings for the ALR portion of the property are identified as being:

Unimproved Rating: 3TM Improved Rating: (2T)

Note: The proposed effluent disposal field is proposed for just the ALR portion of the property.

Class and Subclass Descriptions

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.

T topography
M moisture deficiency

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 ALR portion of the property unsuitable for agricultural use.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. While it was stated in the application that some forms of agriculture could be conducted on the proposed effluent disposal field areas (e.g. hay production), the Commission believed the proposed use would negatively impact both the lands long term agricultural potential and possible range of agricultural options. The Commission is concerned that the impact of effluent disposal over good agricultural land (Class 2 and 3, based on the above rating) would result in a decrease in the agricultural capability of the soil and reduce the range of agricultural opportunities available for the property.

The Commission ultimately believes the entire residential development including the need for sewage disposal should be located on non-ALR land and the project should be developed in accordance with this objective.

Other Factors

- The Township of Spallumcheen Council authorize the application for non-farm use to be submitted to the ALC on the condition that the treatment plant be located on the non-ALR portion of the property and the proposed effluent disposal field areas can be used for agricultural purposes.
- The Ministry of Agriculture and Lands does not support the application to use a portion of the ALR designated land within the subject property for the proposed disposal field. The Ministry also stated that a proposed rural subdivision adjacent to agricultural land would need to include a buffer to avoid future conflicts between farmers and those in rural subdivisions.

CONCLUSIONS:

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

IT WAS

MOVED BY: Commissioner Jennifer Dyson
SECONDED BY: Commissioner Bert Miles

THAT the application to construct a treated effluent disposal field of approximately 780 m² and a back up disposal field of similar area on the ALR portion of the property 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 # 207/2011