



Agricultural Land Commission
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November 22, 2011

Reply to the attention of Ron Wallace
ALC File: 52208

Robert and Sherryl Reed
320 Salmone River Road
Salmon Arm, BC
V1E 3E6

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 414/2011 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: Columbia-Shuswap Regional District (LC2448D)



PROVINCIAL AGRICULTURAL LAND COMMISSION

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

COMMISSION STAFF PRESENT:

| | |
|-----------------|--------------------|
| Ron Wallace | Land Use Planner |
| Brian Underhill | Executive Director |

APPLICATION ID: #52208

PROPOSAL: To subdivide a 1.0 ha lot from the 3.8 ha subject property to create a new hobby farm lot.

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

PROPERTY INFORMATION:

PROPERTY

Owner: Robert James Reed and Sherryl Colleen Reed (As Joint Tenants)
Date of Acquisition: May 26, 2004
Parcel ID: 001-950-142
Title No. KW58262
Legal Description: The N ½ of the N ½ of Legal Subdivision 16 Section 18 Township 19 Range 10 West of the 6th Meridian Kamloops Division Yale District Except Plans H839 and KAP45976
Civic Address: 320 Salmon River Road, Salmon Arm
Size: 3.8 ha
Area in ALR: 1.9 ha
Current Land Use: Residential
Farm Classification: Yes No
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on October 29, 2011 following which a report was prepared. The site inspection meeting report was provided to the applicant on October 14, 2011 by e-mail.

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 29, 2011 site inspection meeting report constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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/11 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 6:5MT 4:4MT Improved Rating: (6:3TM 4:4TM)

Note: These ratings cover the ALR portion of the property or approximately 1.9 ha of the 3.8 ha subject property.

Class and Subclass Descriptions

- 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 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

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 land unsuitable for agricultural use. It was noted the western portion of the property is in the ALR, has a residence, a hay shed, a wood shed and has a small pasture area. The eastern portion of the property is outside of the ALR and is very steep terrain.

Assessment of Potential Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It was noted the proposed subdivision would divide the pasture land area of the property into two lots. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

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 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 Johnson

SECONDED BY: Commissioner 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 # 414/2011