



Agricultural Land Commission
133-4940 Canada Way
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November 18, 2011

Reply to the attention of Ron Wallace
ALC File: 52209

Spa Hills Farm Inc.
2223 Yankee Flats Road S.W.
Salmon Arm, BC
V1E 3J2

Dear Sirs:

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

Please find attached the Minutes of Resolution # 407/2011 outlining the Commission's decision as it relates to the above noted application.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Sushwap Regional District (LC2449-D)
BC Assessment



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: #52209

PROPOSAL: To use an existing farm equipment building on the subject property as a classic auto restoration shop, with ancillary vehicle storage yard.

The application submitted pursuant to section 20(3) of the *Agricultural Land Commission Act*

PROPERTY INFORMATION:

PROPERTY

Owner: Spa Hills Farm Inc.
Date of Acquisition: November 30, 1999
Parcel ID: 024-642-088
Title No. KN111352
Legal Description: Lot D Section 19 Township 18 Range 10 west of the 6th Meridian
Kamloops Division Yale District Plan KAP65750
Civic Address: 2223 Yankee Flats Road, Salmon Arm
Size: 50.9 ha
Area in ALR: 39.8 ha
Current Land Use: Agricultural, Business and Residential
Farm Classification: Yes No
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 29, 2011 following which a report was prepared. The site inspection meeting report was provided to the agent 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

The total area of the subject property is 50.9 ha of which ±40 ha is within the ALR. Based on the information contained in Map 82L/11 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture in Canada' system, the agricultural capability ratings of the ALR portion of the property are identified as being:

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

The non-ALR portions of the property are identified as being: 5TP and 6TP and the soils are not considered to improvable.

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.

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

M moisture deficiency
T topography
P stoniness

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.

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 noted the use of the property is predominately agricultural including a 50,000 bird poultry operation (several large buildings house this operation) and a 'state of the art' composting operation. The operation utilizes local slaughter house waists, turns it into soil material and then applies it to the subject property's sandy loam soils which has resulted in improved yields for their crops. Most of the arable land on the property is used for forage production including up to 32 hectares is in wheat production to provide feed for the chickens.

The auto restoration business is fully contained within a pre-existing farm equipment storage and mechanical building, with an ancillary vehicle storage barn and yard adjacent to this building. It was noted the majority of vehicles stored on the property are for the applicants' personal use and is not associated with the auto restoration business. It was further noted, this building is also used to repair and maintain farm machinery when required and this use takes priority to the restoration of autos.

On balance, the Commission believed the existing auto restoration business does not significantly impact the agricultural potential and use of the subject property as a farm. As such the Commission is prepared to support this non-farm use provided this business does not expand beyond its current footprint; that it stays within the above noted farm equipment storage and mechanical building.

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 existing use of a portion of the subject property as an auto restoration business has a minimal impact on the agricultural potential and use of the subject property as a farm.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Johnson

THAT the application to use an existing farm equipment building on the subject property as a classic auto restoration shop be approved.

AND THAT the approval is subject to the following conditions:

- That the auto restoration business be restricted to the land size and buildings currently in use on the subject property.
- approval for non-farm use is granted for the sole benefit of the applicant and is non-transferable.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution #407/2011