



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

November 8, 2011

Reply to the attention of Martin Collins
ALC File: 52227

William E. Maddox, B.C.L.S.
#5 – 3500 30th Street
Vernon, B.C.
V1T 5E8

Dear Sir:

Re: Application for Subdivision within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #372/2011 and a sketch plan outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact the local government.

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 'Martin Collins', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes, Sketch plan

cc: Township of Spallumcheen file: 11-0028-SPL-ALR



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 ID: #52227

PROPOSAL: To realign the parcel boundaries between three adjoining parcels (26.3 ha, 3.5 ha and 31.4 ha) to create a 47.4 ha lot (to be purchased by River Breeze Dairy Farm), a 5.7 ha lot (Rogers Foods industrial processing), and an 8.1 ha lot for farm uses.

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

PROPERTY INFORMATION:

PROPERTY 1

Owner: Rogers Foods Ltd.
Date of Acquisition: August 21th, 1992
Parcel ID: 017-883-920
Title No. KF81023
Legal Description: Lot 3, Sections 11 and 12, Township 7, Osoyoos Division Yale District, Plan KAP 47909
Civic Address: 4420 Larkin Road, Spallumcheen
Size: 31.7 ha
Area in ALR: 31.7 ha
Current Land Use: Industrial
Farm Classification: Yes
(BC Assessment)

PROPERTY 2

Owner: Rogers Foods Ltd
Date of Acquisition: June 13, 1995
Parcel ID: 023-107-081
Title No. KJ44981

Legal Description: Parcel A (KJ44981), Section 11, Twp.7, Osoyoos Division Yale District
Plan 32510
Civic Address: 4420 Larking Road, Spallumcheen
Size: 3.5 ha
Area in ALR: 3.5 ha
Current Land Use: Industrial Business
Farm Classification: No
(BC Assessment)

PROPERTY 3

Owner: Riverbreeze Farms Ltd.
Date of Acquisition: June 2, 2008
Parcel ID: 023-949-597
Title No. CA803918
Legal Description: Lot B, Section 11, Twp 7, Osoyoos Division Yale District, Plan KAP60479
Civic Address: 4433 Larkin Cross Road
Size: 28.7 ha
Area in ALR: 28.7 ha
Current Land Use: Agriculture
Farm Classification: Yes
(BC Assessment)

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 28th, 2011 following which a report was prepared. The Site Inspection report was provided to the Applicant (Roger's Foods) on October 13, 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 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/6 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture' system, the agricultural capability ratings are identified as being 2D:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

The limiting subclass is D - undesirable soil structure

The land under application has good agricultural capability and the majority is currently cultivated. Small areas are debilitated by a sewage field, and ancillary plant uses.

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. It was noted that the ~2 ha area proposed for addition to the Roger's Food factory site is used for mill purposes; i.e. truck parking, pallet storage and a sewage field. The Commission does not believe there are external factors that render the majority of the subject 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 that the proposed 8 ha lot lying between the creek and a potential new railway right of way was relatively small, narrow, and awkwardly shaped. However, given the previous approval for the railway spur line across Lot 3, the location of the subdivision boundary was understandable. Though it was noted that the railway spur line had not been constructed.

The Commission expressed concern that this parcel might be re-zoned for country residential or small holdings. This zoning could result in the land coming under pressure for subdivision in the future. As such it wanted to ensure that instead the 8 ha lot be re-zoned for Site Specific Agriculture, to not send a message to a future owner that might suggest the Commission supported subdivision of the property into smaller lots.

The following impacts on agriculture were also considered. The increase in the size of the parcel used by the dairy operation represented a benefit for agriculture. The increase in the size of the industrial lot represented a small loss of arable land, but did provide an overall agricultural benefit by enhancing processing capacity.

Other Factors

It was noted that District of Spallumcheen forwarded the application to the Commission without a recommendation, and that planning staff comments recognized benefits and potentially negative implications for agriculture (i.e. reduction in size of Lot 3).

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 boundary adjustment proposal offers both positive and negative implications for agriculture, and that overall the positive benefits outweigh the negative implications.
3. That the Commission does not support an amended bylaw designation of Lot 3 (8 ha) to "Small Holdings" or "Country Residential". Instead it requires that the 8 ha lot retain its "agricultural" bylaw designation(s).

IT WAS

MOVED BY: **Commissioner** Bert Miles

SECONDED BY: **Commissioner** Jim Johnson

THAT the application be approved;

AND THAT the approval is subject to the following conditions:

- the subdivision must be completed within three (3) years from the date of this decision.
- That the proposed 8 ha lot be designated as "Agricultural" in the Township of Spallumcheen bylaws.

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.*

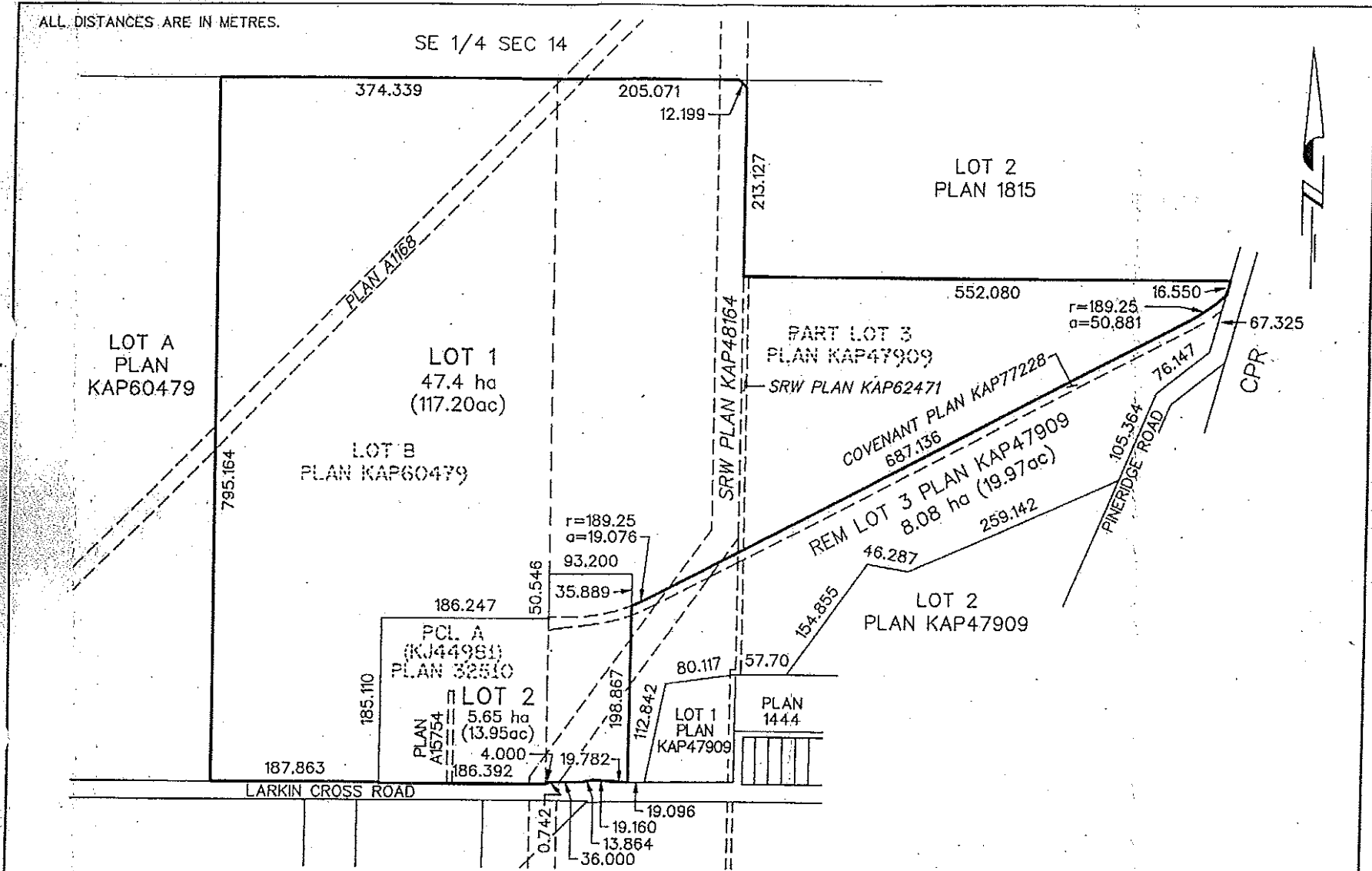
AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 372/2011

ALL DISTANCES ARE IN METRES.



PLAN OF PROPOSED SUBDIVISION OF:
 PART OF LOT 3, PLAN KAP47909,
 SEC 11 AND 12; LOT B, PLAN KAP60479,
 SEC 11; AND PARCEL A (KJ44981),
 PLAN 32510, SEC 11; ALL IN TP 7, ODYD

86620A01

SCALE: 1 : 6000	OUR FILE: R8662
DATE: 9 Dec. 10	DRAWN: RB
Rogers Foods Ltd.	
WILLIAM E. MADDOX B.C. LAND SURVEYOR 3500 - 30th STREET VERNON, B.C. V1T 5E8 TELEPHONE (250)542-4343	

ALC APPLICATION # 52227 SKETCH PLAN
 RESOLUTION # 372/2011