



**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

June 22, 2011

Reply to the attention of Ron Wallace  
ALC File: 52228

Bryan and Kathleen Chamberlain  
770 Tappen Cemetery Road  
Tappen, BC V0E 2X3

Dear Sir/Madam:

**Re: Application to Subdivide in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 211/2011 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 'Brian Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District (LC2446C)

RW/52228d1



## 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: #52228

**PROPOSAL:** To subdivide the 2.9 ha into two parcels of 1 ha and 1.9 ha.  
(Application submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

### PROPERTY INFORMATION:

#### PROPERTY

**Owner:** Bryan Chamberlain and Kathleen Chamberlain (As Joint Tenants)  
**Date of Acquisition:** March 18, 2010  
**Parcel ID:** 006-543-022  
**Title No.** CA1486158  
**Legal Description:** Lot 1 Section 16 Township 21 Range 10 west of the 6<sup>th</sup> Meridian  
Kamloops Division Yale District Plan 23201  
**Civic Address:** 770 Tappen Cemetery Road  
**Size:** 2.9 ha  
**Area in ALR:** 2.9 ha  
**Current Land Use:** Residential  
**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.074 (Scale 1:50,000) of the Canada Land Inventory (CLI), 'Land Capability Classification for Agriculture in Canada.' system, the agricultural capability ratings are identified as being:

Unimproved Rating: 7:2D 3:2X Improved Rating: (7:2D 3:2X)

**Note:** These ratings cover approximately 20% (or 2.91 ha) of the proposed 14.57 ha exclusion area. These ratings apply primarily to the area comprised of Properties 7-8 inclusive.

#### 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.

D undesirable soil structure  
X combination of soil factors

### 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 believed the property at its present size is better suited for agriculture than if the proposed subdivision were to occur. In addition, it was considered that the introduction of smaller lots in this area could precipitate further applications resulting in the reduction of overall agricultural potential. It is believed that the creation of smaller lots in agricultural areas can result in the introduction of incompatible rural residential influences which can have a negative impact on agriculture.

The Commission's mandate is to preserve and protect agricultural lands and farm communities in the long-term and the Commission believed that this application is not in keeping with that objective.

### Other Factors

The Columbia Shuswap Regional District Board forward the application for subdivision to the ALC with the recommendation of refusal.

The CSRD Staff report indicates that the Advisory Planning Committee recommends approval.

The CSRD Planning Staff recommends refusal of the subdivision proposal for the following reasons:

1. The soil on the subject and surrounding properties have high agricultural potential (Class 2)
2. The subject property is located directly across the road from an active farm. Subdivision may lead to residential-agricultural conflict.
3. The subdivision could set a precedent for smaller lot subdivision.

**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 Jennifer Dyson  
**SECONDED BY:** Commissioner Denise Dowswell

THAT the application to subdivide the subject property into two parcels of 1 ha and 1.9 ha 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 # 211/2011**