



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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November 17, 2011

Reply to the attention of Ron Wallace  
ALC File: 52290

Harvey Glanville  
122 Mayfield Ave.  
Williams Lake, B.C.  
V2G 2Y3

Dear Sir:

**Re: Application for Subdivision within the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #391/2011 outlining the Commission's decision as it relates to the above noted application. As agent it is your responsibility to notify your clients accordingly.

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 'B. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District File: LC2447F



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on October, 26<sup>th</sup>, 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

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**APPLICATION: # 52290**

**PROPOSAL:** To subdivide the 8 ha parcel into two 4 ha lots in order to divide dual ownership.

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

### PROPERTY INFORMATION:

**Parcel ID:** 001-482-947

**Property Owner:** Keith Wallace, Marion Hocking

**Date Acquired:** Nov. 1990

**Legal Description:** Lot 3, Sec. 17, Twp. 23, R. 9, W6M, KDYD, Plan 30335

**Civic Address:** 7031 Casabello Road, Magna Bay

**Size:** 8 ha

**Area in ALR:** 8 ha

**Current Land Use:** Vacant (no residence), formerly cleared parcel reverting to forest. Tennis court, shop, outbuildings.

**Farm Classification:** No  
(BC Assessment)

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### COMMISSION CONSIDERATION:

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The unimproved agricultural capability of the subject property is 4M, improvable to (3M).

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.

The limiting subclass is (M) soil 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 acknowledged that the adjoining lakeshore land (to the south) was developed as a 12 lot strata. However, the strata was separated from the subject parcel by Lucerne Beach Road. In addition, adjoining land to the north, east and west were ALR parcels. As such the Commission 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 believes the proposal had potential to reduce the range of agricultural options that could be undertaken on the parcel, and would likely result in further attempts to subdivide, rather than in agricultural development. It is the Commission's experience that small lots offer a narrower range of agricultural options and are less likely to be used for agriculture (than larger parcels)>

## **Other Factors**

The Commission also recalled that it had previously refused the subdivision of the subject parcel in 1984. It believed that the rationale for refusing subdivision (i.e. reducing options for future agricultural use, and encouraging further subdivision) remained as valid today as then.

## **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 subdivision proposal has potential to 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 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.

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 # 391/2011**