



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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November 16, 2011

Reply to the attention of Liz Sutton
ALC File: 52375

R.G (Bob) Holtby
2533 Copper Ridge Drive
West Kelowna, BC
V4T 2X6

Dear Mr. Holtby:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **331/2011** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission will advise the Registrar of Land Titles that the property has been excluded from the ALR when it has received confirmation that the conditions of approval have been met. A condition of approval is the agreement by the Commission to the submitted Development Plan, before the preparation of a subdivision plan to delineate the area approved for exclusion. Two (2) paper prints of the final subdivision plan must be submitted to the Commission in advance of the plans being forwarded to the Registrar of Land Titles.

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 black ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan

cc: District of Barriere

LS/
52375d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 25, 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
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Liz Sutton	Land Use Planner
Colin Fry	Executive Director

APPLICATION: # 52375

PROPOSAL: To exclude the 24.4 ha ALR portion of the 24.6 ha property from the ALR

(Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 017-009-944

Legal Description: Lot B District Lots 1482 & 1483 KDYD Plan KAP44331 Except Plan KAP81149

Civic Address: Barriere, BC

Size: 24.4 ha

Area in ALR: 24.4 ha

Current Land Use: Vacant

PROPERTY OWNER INFORMATION:

1. Barriere Paint & Body Ltd.

DATE PROPERTY ACQUIRED: 2007

SITE INSPECTION MEETING:

A site inspection meeting was conducted on September 26, 2011 following which a report was prepared. The site inspection meeting report was approved by Commissioner Gordon Gillette on October 8, 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, approved by Commissioner Gordon Gillette on October 8, 2011, constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

EXCLUSION MEETING:

On September 26, 2011 the Commission provided notice of the exclusion meeting to the applicant(s), and the applicant's agent of the exclusion application.

The exclusion meeting was held on October 25, 2011 at Burnaby, BC. Those in attendance were Commission members, ALC staff, Bob Holtby (Agent), and Ben Thiesen (Applicant).

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 BC Land Inventory (BCLI) system.

The agricultural capability of the soil of the subject property is:

- 30 % Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.
- 70% Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

With limiting subclasses of soil moisture deficiency and 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 believes there are external factors that render the land unsuitable for agricultural use. The Commission acknowledged that the subject property is designated for future residential development according to the District of Barriere Official Community Plan.

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 would not impact existing or potential agricultural use of surrounding lands provided it is appropriately buffered and fenced.

Other Factors

An Agrologist report submitted by Bob Holtby was also considered. The report detailed that the parcel is predominantly sand covering glacial till. A fire in 2003 burnt the trees on the subject property which has since grown back with scrub brush. The Applicant also noted that there is no access to water for agricultural irrigation on the portion of the subject property which is proposed for exclusion.

CONCLUSIONS:

1. That the land under application has limited agricultural capability and is not appropriately designated as ALR.
2. That the land under application is not suitable for agricultural use.

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Jim Collins

THAT the application be allowed as proposed

AND THAT the approval is subject to the following conditions:

- The submission of an appropriate Development Plan that illustrates the following:
 - 1) Vegetative buffering and fencing along the ALR boundary;
 - 2) Road access and road endings designed in such a way that roads do not reflect anticipated future development into the ALR, or affect existing ALR.
 - 3) A minimum 20 meter residential building setback from the ALR boundary.
Setbacks may provide an opportunity to plan a linear green-space as a buffer.
- The preparation of a subdivision plan to delineate the area to be excluded per the drawing submitted with the application
- The subdivision must be completed within three (3) years from the date of this decision.

Resolution # 331/2011
Application #52375

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 # 331/2011