



Agricultural Land Commission
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November 24, 2011

Reply to the attention of Ron Wallace
ALC File: 52279

Jack and Donna Irwin
490 – 40th Street S.W.
Salmon Arm, BC
V1E 2Y9

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 418/2011 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 'KBU', is written over a horizontal line. The signature is fluid and cursive.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Salmon Arm (ALC 339)



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: #52279

PROPOSAL: To create a separate 0.4 ha parcel for a new home site in order to build a smaller more "senior friendly home" in the northwest corner of the property.

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

PROPERTY INFORMATION:

PROPERTY

Owner: Jack Morris Irwin and Donna June Irwin (As Joint Tenants)
Date of Acquisition: January 5, 2007
Parcel ID: 012-521-850
Title No. LA175919
Legal Description: Lot 3 Section 16 Township 20 Range 10 west of the 6th Meridian
Kamloops Division Yale District Plan 312
Civic Address: 490 – 40th Street, Salmon Arm
Size: 4.1 ha
Area in ALR: 4.1 ha
Current Land Use: Residential and agricultural
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 applicant on October 14, 2011 by e-mail. The applicant indicated no changes to the report needed in an e-mail sent October 16, 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 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

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 are identified as being:

Unimproved Rating: 7:3MW 3:4TW Improved Rating: (7:2X 3:4TW)

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.

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.

M	moisture deficiency
T	topography
W	excess water
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. It was noted the proposed subdivision is to enable the applicant to build a smaller dwelling in the corner of the property to retire and then potentially to sell the remainder of the property to a family member. However in the Commission's view, reduction of

parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

Other Factors

It was also noted that the applicant's family has owned the property since 1961 but was not acquired by the applicant until 1993. As a result, the applicant is not qualify for consideration under the ALC's homesite severance policy.

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 Dyson

SECONDED BY: Commissioner 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.

CARRIED

Resolution # 418/2011