



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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June 13, 2012

Reply to the attention of Ron Wallace
ALC File: 52494

Bob Holtby
Regency Consultants Ltd.
2533 Copper Ridge Drive
West Kelowna, B.C.
V4T 2X6

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #212/2012 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 applicant is 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.*

The applicant is also 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Columbia Shuswap Regional District File: LC2456C



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 17, 2012 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
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Colin Fry	Executive Director

APPLICATION: 52494

PROPOSAL: To subdivide the 32 ha property into two lots (12 ha and 20 ha)

Legal: PID 007-679-190

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

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.

After review of all file information presented, including the June 28th, 2011 report of Regency Consultants, the Commission has concluded as follows:

1. The majority of the property has agricultural capability as indicated by a CLI rating of 6:4T 4:5T (6:3T 4:4T) and is therefore suitable for agriculture, in particular the prevalent agriculture in the area - grazing and forage production. The presence of land (~10 ha) of very limited capability in the west part of the property does not preclude the use of the majority of the property for agriculture.
2. There are no external factors or surrounding land uses that render the land unsuitable for agricultural use. The surrounding land uses do not impair the parcel from being used for agriculture because the property lies in an agricultural area, characterized by similar large parcels and farm activity.

3. The two lot subdivision proposal has potential to adversely impact existing or potential agricultural use of surrounding lands because the Commission's experience is that if subdivision is routinely permitted in agricultural areas, agricultural activity declines as land is purchased (and held) for its subdivision potential.
4. The Commission did not concur with the applicant's agent's contention that if the land is subdivided it improves the potential that farming will occur, i.e. two farms would be developed. The Commission's primary concern is that proposed subdivision would sever a significant area of arable land, thereby reducing the range of options for the arable portion of the property, and the likelihood that either parcel would be used for agriculture.
5. The agent's May 16th, 2012 e-mail discussion about subdivision was also reviewed by the Commission. The agent indicated that since the westerly portion of the property has never been farmed its subdivision represented no loss to the existing farm. However, the Commission believed that this perspective precluded the potential for the current, or another, landowner to expand the existing farm operation onto the other arable parts of the property. It is the Commission's experience that where forage and grazing dominates properties must be retained as large as possible to provide the widest range of agricultural options (including the potential to expand).
6. Subdivision almost always results in the loss of farmland for the development of a farm home, yard, septic fields and outbuildings. While this alienated area remains relatively small in the context of the overall scale of the property, it represents a loss of arability.
7. The agent indicates that since parcelization is a situational condition, the Commission, by refusing subdivision, is a negative factor in economic development in rural areas. The Commission does not agree with this assessment because it has no evidence that smaller parcels in the Columbia Shuswap region result in greater agricultural economic activity. The best evidence available to the Commission suggests that as parcels become smaller there is less likelihood that they will be used for agricultural purposes. In addition there are already significant numbers of smaller lots in the region, which offer the opportunity for those landowners interested in small scale agriculture.
8. 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 Jim Johnson

THAT the application be refused as proposed.

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 # 212/2012