



Agricultural Land Commission
133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
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www.alc.gov.bc.ca

June 13, 2012

Reply to the attention of Ron Wallace
ALC File: 52507

Herb and Debra Koecher
1180 – 70th SE
Salmon Arm, B.C.
V1E 1X8

Dear Sir/Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #214/2012 outlining the Commission's decision as it relates to the above noted application.

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 horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: City of Salmon Arm File: ALC341



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: 52507

PROPOSAL: To subdivide a 2.2 ha lot into two 1.1 ha lots to downsize for the applicant's retirement.

Legal: PID 008-251-380 Lot 2, Section 9, Twp. 20, R. 9, W6M, KDYD, Except Plan 16764 as shown on Plan 38540

(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 the Commission has concluded as follows:

1. Approximately half of the property has agricultural capability as indicated by a CLI rating of (6:4PM 4:5TP) and is therefore suitable for agriculture. The easterly half has CLI ratings of Class 6 and 7 denoting no agricultural potential. The property is used as a rural residence.
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 size parcels and some farm activity.

3. The two lot subdivision proposal has potential to adversely impact existing or potential agricultural use of the subject property and surrounding lands because the resulting lots are not an agricultural size. It is the Commission's experience that small lots will be used for residential rather than agricultural purposes. Residential uses can be incompatible for farm uses, and result in conflicts with adjoining and nearby farm parcels.
4. The Commission, while acknowledging the limited agricultural capability of the property was not willing to subdivide and increase the residential density in this farm area, because of concerns about the negative impacts of residential uses and raising expectations of subdivision.
5. Subdivision almost always results in the erosion of farmland for the development of a farm home, yard, septic fields, access and outbuildings. On small parcels, this area may be relatively large in the context of the overall size of the property and can represent a significant loss of arability.
6. That the proposal is inconsistent with the objectives of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

IT WAS

MOVED BY: Commissioner Jim Johnson

SECONDED BY: Commissioner Bert Miles

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 # 214/2012