



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

June 14<sup>th</sup>, 2012

Reply to the attention of Ron Wallace  
ALC File: 52531

Okanagan Development Consultants Inc.  
17007 Garnet Valley Road  
Summerland, B.C.  
V0H 1Z3

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution #217/2012 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 horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Okanagan Similkameen File: (F11-07214.000)



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on May 17<sup>th</sup>, 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

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### APPLICATION: # 52531

**PROPOSAL:** To subdivide the 60 ha property into three 20 ha lots. The applicants indicate they have attempted to operate the property as a farm for 21 years, but the soil conditions, climate and lack of irrigation water make it impossible to use the land intensively for agriculture.

**Legal:** PID 006-910-360 S ½ of DL 3762, ODYD

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

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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.

After review of all file information presented, the Commission has concluded as follows:

1. There are no external factors that render the land unsuitable for agricultural use. The property lies in a remote agricultural area and adjoins (to the south) grazing land and improved pasture land. To the north, east and west are vacant forested hillsides.
2. The property has limited agricultural capability as indicated by CLI ratings of (6:4M 4:5MP) and 6:6TR 4:7TC. About 30% of the property may be considered arable, and the remainder could be used for seasonal grazing. Although irrigation might improve the limited area that is suitable for hay/pasture uses, the forested remainder has little or no

cropping capability. The Commission acknowledged the applicant's hard work (as described in the application material) to develop and use the land for agriculture.

3. The Commission believed that the land's already limited agricultural potential would effectively be eliminated by subdivision because the proposal intends to divide the already limited amount of arable land among the three lots. The Commission does not believe that subdivision will increase the likelihood of agricultural activity, but will instead result in the land being used for rural residential purposes.
4. The proposal, if approved, will also raise expectations for further non-agricultural subdivision in the ALR, both on the proposed lots and in the surrounding area. It is the Commission's experience that subdivision reduces, rather than enhances agricultural potential and activity.
5. In addition the Commission does not believe that the zoning bylaw's 20 ha minimum lot size is supportive of agriculture activity given the prevailing soil and climate conditions affecting the property.
6. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner B. Miles  
**SECONDED BY:** Commissioner Sylvia Pranger

THAT the application be refused as proposed.

**CARRIED**

**Resolution #217/2012**