



**Agricultural Land Commission**

133 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
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June 6, 2012

Reply to the attention of Ron Wallace  
ALC File: 52550

William Crane  
RR #1 Site 11 Comp. 37  
Naramata, B.C.  
V0N 1N0

Joan and Eric Richards  
8060 Milner Road  
Richmond, B.C.  
V7C 3T7

Dear Sirs/Madam:

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

Please find attached the Minutes of Resolution #206/2012 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.*

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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of Okanagan Similkameen File: E02086.020



## 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: #52550

**PROPOSAL:** To subdivide the 1.8 ha property into two 0.9 ha lots and remove the “no build” covenant from the title prohibiting the construction of a residence.

(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 concluded the following:

1. The subdivision proposal will adversely impact existing or potential agricultural use of the property because smaller lots are less likely to be used for agricultural purposes. It is the Commission’s experience that 0.9 ha lots are very rarely used for agricultural purposes.
2. In addition, the Commission recalled its rationale for prohibiting a residence on the property (as per its 1984 decision). It believed that the prohibition of a residence protected the maximum arable area of this small parcel, and would increase the likelihood that the land would be used for agriculture, rather than a large residence.
3. The property has good agricultural capability as indicated by a BCLI ratings of Class 2 and 3 for tree fruits and grapes, and is therefore suitable for agriculture.
4. There are no external factors that render the land unsuitable for agricultural use. The absence of a residence permits the maximum area to be used for agriculture. However

the lack of residence may have the effect of limiting agricultural development because the landowner is not present on the property, requiring commuting and potentially compromising security. On balance the Commission believed that the lack of a residence would increase the likelihood that the property would be used for agriculture.

5. The fact that the property has two owners was not a consideration of the Commission. It is the Commission's experience that permitting multiple owners to subdivide has the effect of encouraging multiple ownership, resulting in higher farmland prices and inducing subdivision applications.
6. The surrounding land uses and parcels sizes are consistent with the current lot size and use (with the exception of a residential subdivision lying to the south). No evidence is provided that indicates the residential subdivision to the south impairs or hinders the agricultural use of the subject property.
7. The proposal may raise expectations for further residential parcelization of lands in a contiguous agricultural area and encourage multiple landowners to purchase farm parcels.
8. That the subdivision 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 R. Bullock

THAT the application be refused as proposed.

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.

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 #206/2012**