



July 17th, 2012

Agricultural Land Commission

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Burnaby, British Columbia V5G 4K6
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Reply to the attention of Martin Collins
ALC File: 52586

Arlene Wiffen, Daryl Watts
1788 Francis St.
Vernon, BC
V1B 3A5

Dear Sir/Madam:

Re: Application to Deposit Fill in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #244/2012 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 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 black ink, appearing to read 'B. Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of North Okanagan File: 11-0507-C-ALR



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on June 27th, 2012 at the Ministry of Agriculture offices in Kelowna, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
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APPLICATION: # 52586

PROPOSAL: To fill ~1.6 ha of the 4 ha property with ~10,000 cubic meters of fill to a depth of 2 meters. The purpose of the filling is to eliminate excessive wetness in the pasture by raising its level. Approximately 2.4 ha of the property is already filled to a depth of 1 – 2 meters without application to the ALC. Topsoil was stripped, fill added and then topsoil re-applied.

(Submitted pursuant to section 20(3) 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. There are no external factors that render the land unsuitable for agricultural use. The property lies in an agricultural area, adjacent to properties of similar size and rural uses. The presence of the adjoining school does not impede the use of the land for agriculture;
2. The proposal has potential to adversely impact existing or potential agricultural use of surrounding lands because filling can increase runoff onto lower parcels, exacerbating poor drainage and eliminating agricultural potential;
3. The parcel has good agricultural capability as indicated by the BCLI rating of 50% (2D) and 50%(7:3DW 3:3FW) and is therefore suitable for agriculture. However, filling could

benefit certain agricultural activities, such as pasturing cattle, because it would improve the number of months that cattle can be grazed on the property;

4. The fill proposal (if approved) may also increase similar requests for further filling on adjoining lowland to mitigate the negative impacts of filling the property. In addition it is the Commission's experience that filling tends to result in less, rather than more agricultural activity. The Commission believes that retaining the land at its present elevation may offer a broader range of cropping opportunities which do not necessarily have a negative impact on adjoining ALR parcels.
5. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Dyson
SECONDED BY: Commissioner R. Bullock

THAT the application be refused as proposed.

AND THAT the applicant be advised that the existing fill may be retained subject to the submission of an agrologist report outlining potential drainage impacts and mitigation to ensure that the existing fill does not negatively affect the adjoining parcel(s). The existing fill may be re-contoured, as per the agrologist recommendations, to better integrate the filled and non filled areas, provided no new areas are filled.

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 # 244/2012