



Agricultural Land Commission

133 – 4940 Canada Way
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September 28, 2012

Reply to the attention of Ron Wallace
ALC File: 52616

Sherry Price
410 Bailey Road
Vernon, B.C.
V1H 1T3

Dear Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution #306/2012 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.*

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of North Okanagan, File: 11-0573-B-ALR



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 20, 2012 at the Agricultural Land Commission offices located at #133 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Commissioner
Sylvia Pranger	Commissioner
Jim Johnson	Commissioner
Bert Miles	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

APPLICATION: # 52616

PROPOSAL: To subdivide a 2.8 ha lot from the 13.8 ha property for a rural residence.

Legal: PID 023-171-740 Lot 1, Section 6, Twp 9, ODYD, Plan KAP55268
(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. The subject property has limited capability for soil based agriculture based on the 2003 Luttmerding Report on soils and land capability. The land is dominated by secondary (CLI class 5 and 6 soils) but is used for hay and grazing;
2. The property lies in a rural area, amongst parcels of similar or larger size. Livestock grazing and hay production predominate;
3. The Commission believed the subdivision proposal has potential to adversely impact existing or potential agricultural use of the property by removing land and buildings from the parent parcel that could be used for farming. A smaller farm parcel represents a narrower range of agricultural options and is less likely to be used for agriculture. In

addition it is the Commission's experience that smaller parcels tend to come under further pressures to subdivide;

4. The proposal, if permitted, also has potential to raise area landowner expectations that further subdivision may be permitted. Heightened expectations has the effect of attracting landowners whose interests may be focused on future subdivision rather than agricultural activity.
5. The increase in rural residential parcels in a farm area tends to reduce rather than enhance agricultural activity. It is the Commission experience that as the number of residences increase, trespass and conflict also tend to increase, and agricultural activity declines.
6. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Sylvia Pranger

SECONDED BY: Commissioner Jennifer Dyson

THAT the application to subdivide a 2.8 ha lot from the 13.8 ha property 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.

CARRIED

Resolution # 306/2012