



Agricultural Land Commission
133-4940 Canada Way
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January 29, 2013

ALC File: # 52826

Kent MacPherson
304 – 1708 Dolphin Avenue
Kelowna, BC
V1Y 9S4

Re: Application to Exclude Land from the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 14/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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 evidence 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.

Further correspondence with respect to this application is to be directed to ALC Staff.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'M. Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #14/2013

cc: Regional District of Central Okanagan (A-12-03)



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 22, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52826.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

The applicant's propose to exclude the 1.0 ha subject property from the ALR. Since 1957 the property has been used for various log storage and boom yard activities by a number of lumber companies. The landowner proposes to continue with the current use of the land with the intent of removing the ALR notation and encumbrances from the property.

(Application for exclusion submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. A report prepared by Summit Environmental Consultants Inc. entitled *Agriculture Capability Assessment, Tolko Properties, Lot C, Central Okanagan Regional District* (the "Summit Report") found that the major factors that influence the agricultural capability of the study area of the property are inundation, soil moisture deficiency, stoniness and fertility.

However, with management of the property including diking (for the inundation limitation), irrigation and addition of organic matter to the soil (for the soil moisture deficiency limitation), and the addition of fertilization amendments to the soil (for the fertility limitation) the unimproved agricultural capability rating could be improved from Class 7 to an improved rating of Class 5.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing.

Conclusion:

With intensive management (e.g. diking, irrigation, fertilization and soil amendment additions) the subject property has some capability (albeit limited) for agriculture.

2. The Commission considered that the subject property is currently used and historically has been used by lumber companies as a log storage and boom yard since prior to the creation of the Agricultural Land Reserve (ALR) in 1972. The Commission noted that in the short term the applicant (Tolko Industries Ltd) proposes to continue using the property for log and boom storage, but that the applicant may contemplate potential future uses in the long term.

Conclusion:

While the Commission acknowledges the continued use of the subject property for log storage and sorting, it questions the current need to exclude the land from the ALR. Given the subject property's location immediately adjacent to Bear Creek Provincial Park and the agricultural potential that may be achieved upon reclamation in the future, the Commission believes it would be counterproductive to exclude the land from the ALR.

IT WAS

MOVED BY: Commissioner Sylvia Pranger

SECONDED BY: Commissioner Gordon Gillette

THAT the request to exclude the 1.0 ha subject property be refused.

CARRIED

Resolution #14/2013