



**Agricultural Land Commission**  
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February 26, 2013

ALC File: #53013

Larry F. Schmidt  
PO box 93  
Pritchard, BC  
V0E 2P0

Dear Mr. Schmidt:

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

Please find attached the Minutes of Resolution #37/2013 as it relates to the above noted application. As agent it is your responsibility to contact the applicants.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #37/2013

cc: Thompson Nicola Regional District, Attention Barbara Jackson (File: ALR 61)

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## 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 #53013.

### COMMISSION MEMBERS PRESENT:

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

### COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

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**PROPOSAL:** To subdivide the 42 ha property into four lots of roughly equal size so each of the four homes on the property has its own title.

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

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### PROPERTY INFORMATION:

**Owner:** Larry Schmidt, Dennis Zinger and Malcolm Zinger

**Legal:** PID: 023-870-729  
Lot B, Section 32, Township.18, Range 13, West of the 6<sup>th</sup> Meridian, Kamloops  
Division Yale District, Plan KAP59937

**Location:** Pritchard

**Size:** 42.2 ha (Entirely within the ALR)

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### 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. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on CLI map sheet 82L/12 for the subject property are 80% (4:5TP - 4:4TP - 2:3PT) and 20% (7:6RT and 3:7RT).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 6 - land is important in its natural state as grazing land. These lands cannot be cultivated due to soil and/or climate limitations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are T (topography), P (stoniness) and R (bedrock near the surface)

The property has 4 ha in hay crop while the rest of the property is primarily unimproved and forested.

### **Conclusion:**

The land has agricultural capability and has greater agricultural potential at its current size.

2. Part of the rationale for the proposed subdivision is based on the presence of four homes on the property that were built for "farm help". Pursuant to Section 18 of the *Agricultural Land Commission Act (ALCA)* a local government "may not approve more than one residence on a parcel of land unless additional residences are necessary for farm use". If a proposed additional dwelling is not required for farm use, an application for non-farm use must be submitted to the Commission.

The Commission noted a 1998 application (ALC #32229) to subdivide the subject property into four lots of approximately 8.1 ha, 9.3 ha, 9.8 ha and 13.4 ha was refused. In Resolution #735/1998 the Commission stated that, "As you have legally acquired the permits required for the construction of the existing 3 dwellings for farm help as set out in your lawyer's correspondence, the Commission has no recourse but to accommodate those dwellings for

*farm help. It does not believe that it is a benefit to agriculture to permit the construction of the 4<sup>th</sup> dwelling. The farm is 40.6 ha in size and will remain so to accommodate the dwellings for farm help which have been placed on it to date".* The Commission further noted that at 4<sup>th</sup> dwelling was built without a building permit and was under a stop-work order at the time of the 1998 decision consideration.

**Conclusion (a):**

The Commission believes that subdivision is inappropriate based on the rationale that there are four dwellings on the subject property when in 1998 it questioned the on-farm need for the three dwellings already constructed.

**Conclusion (b):**

The Commission does not support subdivision of the subject property into four parcels in order to accommodate the completion of construction of the fourth dwelling on its own parcel and title.

3. The Commission believes that the residential situation of a parcel should reflect the agricultural needs of the property. The Commission is concerned that the agricultural activity on the property has not been consistent with the number of dwellings.

**Conclusion (a):**

The Commission does not support the construction of a fourth dwelling on the subject property and as such the 4<sup>th</sup> dwelling is not approved by the ALC, nor does the Commission consider it necessary for farm use.

**Conclusion (b):**

In the Commission's opinion, the present agricultural use of the property does not support the number of existing dwellings, let alone the construction of more residences and that the Thompson Nicola Regional District be advised accordingly.

**IT WAS**

**MOVED BY:           Commissioner Dyson**  
**SECONDED BY:       Commissioner Gillette**

THAT the request to subdivide be refused.

**CARRIED**

**Resolution #37/2013**