



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

March 5, 2013

ALC File: # 53026

Ken and Betty Rees  
4699 Hallam Road  
Armstrong, BC V0E 1B4

**Re: Application to Dedicate a Road Right-of-Way in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution # 30/2013 as it relates to the above noted application.

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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #30/2013

cc: Township of Spallumcheen

53026d1



## 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 #53026.

### 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** (Submitted pursuant to section 6 of BC Regulation #171/2002 (*ALR Use, Subdivision and Procedure Regulation*))

The proposal is to dedicate a right-of-way along the northern boundary of the subject property to provide road access to the adjacent property to the west.

It was noted that the proposal was initiated by the Township of Spallumcheen's Approving Officer as a condition of completing a subdivision on the subject property from a previous ALC application (#51890, noted below).

It was further noted that access to the adjacent property to the west is currently via an easement from Salmon River Road to the north.

---

### PROPERTY INFORMATION:

**Owner:** Ken and Betty Rees

**Legal:** PID: 006-558-631  
Lot 1 Section 14 Township 34 Osoyoos Division Yale District Plan 23168

**Location:** 4699 Hallam Road, Armstrong

**Size:** 35.4 ha

---

### 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.

---

**COMMISSION CONSIDERATION**

The Commission reviewed the following previous application involving the subject property:

Application #51890 (Ken & Betty Rees, 2012)	To subdivide two 2 ha lots from the subject property and include 3.4 ha into the ALR. This proposal was refused. A reconsideration request was then made to subdivide the same two 2 ha lots from the subject property and increase the size of the proposed inclusion area from 3.4 ha to 16 ha. Upon reconsideration, the Commission believed the proposed inclusion land would help mitigate the loss of the arable area (~1 ha) proposed to be alienated by subdivision. As such the proposed subdivision was allowed subject to the inclusion of the remainder of the subject property (~16 ha) into the ALR.
---	--

After considering the information the Commission concluded as follows:

1. The agricultural capability rating identified on the Canada Land Inventory (CLI) Map 82L/6 rates the northern portion of the subject property (i.e. the original ALR portion of the property before the inclusion of the remainder into the ALR as noted above) as 60% Class 4 and 40% Class 5 with no improved rating. The subclass limitation associated with the agricultural capability ratings is (T) topography and (P) stoniness.

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.

It was noted the area of the property proposed for the road right-of-way is currently being used by the owners as a hay field.

**Conclusion:**

The portion of the subject property proposed for road dedication is both capable and suitable for agricultural use. As a result, the proposed road dedication would negatively impact the agricultural potential of the property.

**Conclusion:**

The Commission believes the Township of Spallumcheen's condition of requiring a dedicated road right-of-way along the northern boundary of the subject property (to provide road access to the adjacent property to the west) is inconsistent with the purposes of the *Agricultural Land Commission Act* to preserve agricultural land and encourage farming.

**IT WAS**

**MOVED BY:** Commissioner Pranger

**SECONDED BY:** Commissioner Dempsey

THAT the proposal to dedicate a right-of-way along the northern boundary of the subject property be refused.

The Commission suggests an alternate road dedication access along the southern boundary of the subject property would have less impact on the agricultural potential of the property.

**CARRIED**

**Resolution #30/2013**