



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
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www.alc.gov.bc.ca

November 14, 2013

ALC File: # 53228

Kathy and Larry Pilcher
RR #1, Site 18, Comp. 30
Sorrento, BC V0E 2W0

Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 319/2013 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 Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #319/2013

cc: Columbia Shuswap Regional District (2477LC)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53228.

COMMISSION MEMBERS PRESENT:

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

COMMISSION STAFF PRESENT:

Ron Wallace	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL (Application for inclusion submitted pursuant to section 17(3) of the *Agricultural Land Commission Act*)

To include the subject property, totaling ±12 ha, into the ALR.

Access to the property is from Balmoral Road. The terrain is mostly steep; a house is located just off Balmoral Road and there is a switch back road that provides access from the house to the rest of the parcel. There are existing fruit trees and a chicken coop identified on the property but the current owners are not harvesting or keeping either at this time. The owners have raised garden beds near their house.

It is noted Electoral Area 'C' Official Community Plan Bylaw No. 725 received second reading as amended at the December 2012 Board meeting; Bylaw No. 700 will be repealed once Bylaw No. 725 is adopted. The subject property is within the secondary Settlement Area (SSA) boundary and will be designated Medium Density (MD) in the new OCP bylaw.

The owners are opposed to the MD designation of their property in proposed Bylaw No. 725. If the Commission approves the inclusion of the property into the ALR, the owners have indicated that they will apply to have their property re-designated.

PROPERTY INFORMATION:

Owner: Katherine and Richard Pilcher

Legal: PID: 004-925-513

Lot 1 Section 8 Township 22 Range 10 west of the 6th Meridian Kamloops Division
Yale District Plan 27056 Except Plan KAP80738

Location: 2552 Balmoral Road, Blind Bay, BC

Size (ha): 12.0 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.
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COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The agricultural capability ratings identified on Canada Land Inventory (CLI) map 82L/14 indicates that the soil capability of the west half of the parcel has Class 5 with (T) topography as the limiting factor. The soil capability of this Class is not improvable. The remaining eastern portion of the parcel has 70% Class 6 soil capability with (T) topography and (P) stoniness as limiting factors. And 30% Class 7 soils with (R) bedrock and (T) topography as limiting factors.

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

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

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

Conclusion:

It is believed that the subject property has significant agricultural capability limitations for agricultural development.

2. The Commission noted the subject property is not contiguous with any other ALR land and that there has been a history of ALR exclusion applications to the south and east of the subject property – which have all be approved for their removal from the ALR. The Commission concurs with the principle of the OCP amendment for residential development for these properties approved for exclusion.

Conclusion:

The Commission does not deem the subject property to be suitable for agricultural purposes.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Miles

THAT the application to include the subject property into the ALR be refused.

CARRIED
Resolution #319/2013