

June 5, 2006

Agricultural Land Commission

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Reply to the attention of Simone Rivers

Claus and Christa Neels 4278 Sunshine Valley Road West Merritt, BC V1K 1N8

Dear Mr. and Mrs. Neels:

Re: Application #ZZ- 36398

That part of District Lot 1022, Kamloops Division Yale District shown on Plan B1111, Except Plan 31681, H18100 and 41183.

Further to your letter of April 8, 2006, the Commission, acting under section 33 of the Agricultural Land Commission Act, has reconsidered the above noted application.

The Commission had visited your property when you were not home prior to making their original decision. Your letter asked the Commission to meet with you so that you could explain to them personally the reasons for your subdivision request. The Commission agreed to visit the property again and wished to thank Mr. Neels for meeting with them on May 19th, 2006. At the meeting you explained the differences in agricultural capability between the upper and lower portions of the property as well as informed the Commission that you were amending your original proposal so that the ALR portion of the property would be split into two properties rather than the three originally requested.

After discussing your proposal the Commission walked with you on the upper field.

In considering your request and reviewing the application, the Commission again noted that the property had good agricultural capability and that the entire portion of the property within the ALR was improved for agricultural purposes.

In the Commission's opinion the land has agricultural capability and is correctly designated as ALR. It further believes that subdivision as proposed would substantially reduce the agricultural potential of the land and result in further pressures to subdivide lands nearby into rural residential parcels.

For these reasons, the Commission, by Resolution #245/2006, reconfirmed its decision to refuse your request to subdivide the ALR portion of the property.

The Commission's mandate is to preserve agricultural land and encourage farming and the Commission did not believe that your proposal was consistent with that mandate.

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Finally, the Commission again notes that approximately half of your property is outside the ALR and that the Commission has no objection to the subdivision of the non-ALR portion of the property as proposed.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR-N-81)

SBR/lv 36398d2

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on May 18th, 2006 at the Plaza Heritage Hotel, 405 Victoria Street, Kamloops, B.C.

PRESENT:

Grant Huffman

Chair

Holly Campbell

Commissioner

Frank Read

Commissioner

STAFF:

Simone Rivers, Regional Research Officer

Martin Collins, Planner

For Consideration

Simone Rivers presented the staff report dated February 1, 2006 regarding application #ZZ-36398.

Site Inspection

A site inspection was conducted on May 18th, 2006. Those in attendance were:

- Commissioners Huffman, Read, Campbell & Agricultural Land Commission Staff: Simone Rivers, Regional Research Officer and Martin Collins, Planner
- Applicant: Claus Neels

The Commission had originally visited the property when the applicant was not home. He wrote asking for reconsideration and requested a meeting with the Commission so that he could explain his proposal and reasons for requesting subdivision to them personally. The Commission agreed and visited the property again to meet with Mr. Neels. He explained that he was proposing to change the proposed subdivision of the ALR portion of the property from three lots to two. This new proposal would not subdivide the lower hayfield, which Mr. Neels explained, was the more productive and agriculturally capable portion of the property. He explained the limitations of the upper portion of the property and his belief that the property was better suited to two smaller hobby style farms. After discussing the application the Commission walked on the upper field with Mr. Neels and noted the newly planted crop that was starting to grow.

The site inspection lasted from 1:30 a.m. to 2:00 a.m.

Commission Discussion

In reviewing their decision in light of their meeting with Mr. Neels, the Commission recalled the reasons for their previous decision. The Commission did not believe that Mr. Neels provided them with substantial new information that it had not considered when making its first decision. It again noted that the two hay fields were topographically separated. However, it also noted that both levels of hayfield had good agricultural capability and that where possible the ALR portion of the property was improved for agricultural purposes.

Although the upper hay field may be slightly less productive than the lower, in the Commission's opinion the ALR portion of the property has agricultural capability and is correctly designated as ALR. It further believes that subdivision as proposed would substantially reduce the agricultural potential of the land and result in further pressures to subdivide lands nearby into rural residential parcels.

In addition, subdivision into the lot sizes proposed would effectively eliminate the land's agricultural potential and could result in further pressures to subdivide nearby lands into rural residential parcels. The Commission's mandate is to preserve agricultural land and encourage farming and the Commission did not believe that the proposal was consistent with that mandate.

IT WAS

MOVED BY: SECONDED BY: Commissioner Huffman Commissioner Campbell

THAT the staff report be received and that the Commission's original decision (Resolution #55/2006) to refuse subdivision of the property be reconfirmed.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED