



Agricultural Land Commission
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March 14, 2007

Reply to the attention of Simone Rivers
ALC File: #ZZ - 37054

Nigel Hemingway
Cariboo Geographic Systems
PO Box 1270
100 Mile House, B.C. V0K 2E0

Dear Mr. Hemingway:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 78/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR-I-78)

Enclosure: Minutes/Sketch Plan

SBR/iv
37054d1

Discussion

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission was concerned with impact of the creation of three additional lots in this grazing area. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands. Problems such as livestock harassment and trespass are of concern when subdivision is allowed in grazing areas. It further believes that the land south of the road has more agricultural capability than the land north of the road and should therefore be retained as a single unit. It believes that the subdivision of the land north of the road into two lots would have a negative impact on the surrounding grazing use.

However, the Commission considered an alternate plan that would allow subdivision along Barnes Lake Road, creating one additional lot. This subdivision could be supported subject to the fencing of the newly created lot along Barnes Lake Road so as to not impact the movement of cattle along the road by the current holder of the grazing rights on surrounding Crown Land. It is also the Commission's understanding that a cattle guard will be placed at the end of any driveway created for access to the new lot.

Conclusions

1. That the proposal as submitted will impact agriculture.
2. That the proposal as submitted is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.
3. That limited subdivision could be supported using the road as a boundary.

IT WAS

MOVED BY: Commissioner Read
SECONDED BY: Commissioner Campbell

THAT the application be refused as proposed.

AND THAT the Commission would allow the subdivision of the property into two lots as divided by Barnes Lake Road.

AND THAT the approval is subject to the following conditions:

- The construction of a fence along the property boundary north of Barnes Lake Road
- the subdivision must be completed within three (3) years from the date of this decision.

AND THAT the Commission directs staff to provide a map illustrating its decision as it relates to this resolution.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 78/2007



Staff Report
Application # ZZ – 37054
Applicant: Brent and Josephine Wilson
Agent: Nigel Hemingway: Cariboo Geographic Systems

DATE RECEIVED: November 9, 2006

DATE PREPARED: January 23, 2007

TO: Chair and Commissioners – Interior Panel

FROM: Martin Collins, Regional Planner

PROPOSAL: To subdivide the 65 ha subject property into four lots (10.9, 8.6, 9.7 and 32.4 ha) as divided by Barnes Lake Rd.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

One previous application has been considered on the property. See below for details.

The local rancher, Trace De Boer, has stated in a letter dated July 15, 2006 that he has no objection to the proposed subdivision as long as the new owners understand that it is their responsibility to fence out stock.

Two other letters of support for the application have been received from neighboring property owners (Shepherd and Daneluzzi), the latter currently has a subdivision proposal before the Commission - Application ZZ-37046.

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 014-555-018

The South East ¼ of Section 23, Township 20, Range 24, W6M, Kamloops Division of Yale District;

Purchase Date :

12/01/1993

Location of Property:

Approximately 16.2 km from Ashcroft on Barnes Lake Road.

Size of Property:

64 ha (The entire property is in the ALR).

Present use of the Property:

Primary residence, ancillary buildings and large garden area, a second residence. The remaining land is uncultivated.

Surrounding Land Uses:

WEST: Fenced access road to quarry and then grazing lands in the ALR
SOUTH: Crown grazing lands in the ALR
EAST: Crown grazing lands in the ALR
NORTH: IG Machine & Fibres Granule Plant and Quarry in the ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92I/11
The majority of the property is identified as having secondary ratings.

Official Community Plan and Designation:

Regional Growth Strategy Designation: Rural

Zoning Bylaw and Designation:

Zoning Bylaw No. 940 Designation: RL – 1 Minimum Lot Size: 4 ha

PREVIOUS APPLICATIONS:

Application #02156-0

Applicant: Clarke, G.
Decision Date: March 22, 1977
Proposal: To subdivide the 64 ha property into four parcels of roughly equal size.
Decision: The Commission refused the application because the parcel had potential for grazing purposes and subdivision would reduce that potential.

RELEVANT APPLICATIONS:

Application #36204-0
Applicant: Helper Equipment Ltd
Decision Date: February 01, 2006
Proposal: To subdivide the three 16.2 ha properties into ten lots of approximately 4 ha each.
Decision: To refuse the application to subdivide the three 16.2 ha properties into 10 lots on the grounds that the Commission did not want to introduce a rural residential intrusion into this grazing area.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No comments or recommendations as per Thompson Nicola Regional District policy.

STAFF COMMENTS:

Staff suggest that the Commission consider the following:

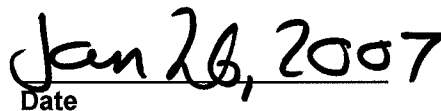
- The property was previously refused a similar four lot subdivision in 1977, and recently refused a similar subdivision application in 2005 (adjacent to Barnes and Willard Lakes) on the grounds of not introducing rural residential pressures into the grazing area.
- Grazing parcels must be as large as possible parcels for maximum agricultural utility.
- The local rancher has no objection to the proposed subdivision.
- The applicant indicates that the land has very minimal agricultural potential (natural grazing) because of rough terrain and rocky soils. No water rights are available and the surrounding crown grazing lands are tenured to the Bar M ranch. Therefore the argument is provided that the property has no potential to become anything more than a hobby farm. In fact the agent indicates there will be more agricultural activity arising from four parcels than a single parcel.

ATTACHMENTS:

- Letter from Trace de Boer, rancher of adjacent lands
- Sketch of proposed subdivision
- Minutes of the Provincial Agricultural Land Commission – Resolution # 5805/77
- ALC Context Map – 92I.074 – 1:10,000 (created by ALC Staff)
- Airphoto – 1:10,000 (created by ALC Staff)

END OF REPORT


Signature


Date