



**Agricultural Land Commission**  
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June 3, 2009

Reply to the attention of Simone Rivers  
ALC File: ZZ-38719

Shane Lougheed  
260 Vinsulla Ferry Road  
Heffley Creek, BC, V0E 1Z1

Dear Mr. Lougheed:


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

Please find attached the Minutes of Resolution # 136/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

  
Erik Karlsen, Chair

Enclosure: Minutes/

cc: Thompson-Nicola Regional District (ALR-P-115)

SBR/  
i/38719d1



A meeting was held by the Provincial Agricultural Land Commission on April 30, 2009 at Kamloops, B.C.

<b>PRESENT:</b>	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

**For Consideration**

Application: # ZZ- 38719  
Applicant: Linda Lougheed and Randal Skelton  
Agent: Shane Lougheed  
Proposal: To subdivide a 2 ha lot from the 21 ha subject property. The owners would remain on the 2 ha property and the remainder is to be sold to their son.  
Legal: PID: 009-343-245  
Lot 6, Section 35 and 36, Township 22, Range 17, W6M, Kamloops Division of Yale District, Plan 1513, EXCEPT Plans 13464 and 17657  
Location: Vinsulla

**Site Inspection**

A site inspection was conducted on April 30, 2009. Those in attendance were:

- Grant Huffman                      Chair, Interior Panel
- Holly Campbell                     Commissioner
- Gordon Gillette                    Commissioner
- Simone Rivers                      Staff
- Linda Lougheed                     Applicant
- Randal Skelton                     Applicant
- Shane Lougheed                    Agent

The Commission viewed the subject property which was cleared and improved for agricultural use. The applicants wished to divide the existing homesite from the subject property.

Mr. Lougheed confirmed that the staff report dated February 5, 2006 was received and no errors were identified.

**Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and

3. 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.

## **Discussion**

### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the majority of the subject property is limited by moisture but is improvable to 80% Class 2x – 20% Class 3T. A portion of the property is not in the ALR but has agricultural capability ratings of 100% Class 3WT improvable to 100% Class 2X. The applicants confirmed that this portion of the property only floods occasionally and is used for agriculture most years.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

The Commission believes that the subject property had good agricultural capability and is correctly designated as ALR.

### **Assessment of Agricultural Suitability**

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. Most properties in the surrounding area are currently being used for agriculture.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission believed that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. In this case the Commission believes that any subdivision of the property will have a negative impact on agriculture.

## **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.



**IT WAS**

**MOVED BY:** Commissioner Gillette  
**SECONDED BY:** Commissioner Campbell

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

**CARRIED**  
**Resolution # 136/2009**