



Agricultural Land Commission
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June 2, 2009

Reply to the attention of Simone Rivers
ALC File: D-38860

Michael Jacobson
726 Jacobson Road
Williams Lake, BC V2G5M3

Dear Mr. Jacobson:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 124/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Cariboo Regional District (4035-20-D090)

SBR/
i/38652d1



A meeting was held by the Provincial Agricultural Land Commission on April 28, 2009 in Kamloops, B.C.

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

For Consideration

Application: # D- 38860
Applicant: Michael Jacobson
Proposal: To subdivide a 3.9 ha lot from the 17.8 ha property.
Legal: PID: 004-761-821
Lot C, District Lot 8863, Cariboo District, Plan 31743
Location: Fox Mountain - Williams Lake

Site Inspection

A site inspection was conducted on April 28, 2009. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Michael Jacobson Applicant

The Commission viewed the subject property which was largely cleared and improved for agricultural use. The portion of the property under application for subdivision was only partially cleared.

The applicant stated that he wished to sell the proposed lot.

Mr. Jacobson confirmed that the staff report dated April 2, 2009 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 Commission believes that the subject property has agricultural capability and is correctly designated as ALR. The majority of the property has been cleared and improved for agricultural use.

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.

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.

Assessment of Other Factors

The Commission recalled that it had recently reviewed the ALR on Fox Mountain in the context of the Williams Lake Fringe Area Official Community Plan. Although the Regional District had identified some ALR lands (including the subject property) as being suitable for future subdivision and rural residential designation, the Commission did not agree with this assessment and did not endorse this aspect of the plan. In its comments to the Cariboo Regional District the Commission stated that *"the Commission recognized that the parcels designated as RR1 are smaller than 32 ha, and given their size and location, unlikely to be used as the building blocks of a larger ranch operation. That being said, the Commission believed that retaining the parcels in their current size better preserved their agricultural capability and encouraged their agricultural use."* Upon review of the current application the Commission did not believe that subdivision of this property was in keeping with its mandate.

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 Huffman

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 # 124/2009