



Agricultural Land Commission
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December 15, 2009

Reply to the attention of Simone Rivers
ALC File: ZZ-39055

Doug Springford
Springford Patrick Law Corporation
8-1540 Springhill Drive
Kamloops BC, V2E 2H1

Dear Mr. Springford:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **1385/2009** 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.

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/Sketch Plan

cc: Thompson-Nicola Regional District (ALR-L-400)

SBR/
39055d1



A meeting was held by the Provincial Agricultural Land Commission on November 5, 2009 at Williams Lake, BC.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Lucille Dempsey	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

For Consideration

Application: ZZ-39055
Applicant: Bar-D-Bar Ranch Inc.
Agent: Springford Patrick Law Corporation
Proposal: To subdivide a 24.8 ha lot and a 3.8 ha lot from the 125.4 ha property leaving a 96.8 ha remainder. The applicant also proposed to exclude the 3.8 ha lot.
Legal: PID: 003-759-326
District Lot 706, Kamloops Division Yale District, Except Parcel A (Plan 4373D) and Plans KAP66668 and KAP85561
Location: Barnhartvale Road, Kamloops

Site Inspection

A site inspection was conducted on September 15, 2009. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Lucille Dempsey Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Doug Comazetto Applicant

The Commission visited the property at the same time it considered a subdivision application on an adjacent property owned by the same applicant (although registered in his personal name rather than his company name.) The applicant showed the Commission the two areas of the subject property he was proposing to subdivide, one of which was under application for exclusion. Both of the proposed new lots were divided from the remainder by Barnhartvale Road.

At the site visit the applicant stated that it had been his intention to divide the lands north of the road into two lots; the material from the applicant’s agent had showed only one lot.

Mr. Springford confirmed that the staff report dated September 3, 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

The Commission recalled that it had visited the subject property in September but had not made a decision on the application due to procedural problems with the required notice. The Commission noted that applicant had addressed the problems as required by the Act. It also noted that subsequent to the addressing of the procedural problems, it had received additional submissions from neighbouring property owners, which were considered along with all of the material in the file.

Assessment of Agricultural Capability

The Commission believes that the subject property has agricultural capability and is correctly designated as ALR. Much 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. The Commission noted that the portions of the property proposed for subdivision were divided from the remainder by a road. However, the Commission did not believe that the road reduced the ability of the property to be used as a single unit.

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.

The Commission also believed that the subdivision and exclusion of the 3.8 ha portion of the subject property that was separated by the road would have a negative impact on the agricultural utility of surrounding properties and lands. The Commission did not wish to create a small stand alone rural residential property in this agricultural area.

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 # 1385/2009