



Agricultural Land Commission
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December 15, 2009

Reply to the attention of Simone Rivers
ALC File: 50602

George and Carol Gibbs
Box 243
Pritchard, BC V0E 2P0

Dear Mr. and Mrs. Gibbs:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **1405/2009** 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 (ALR00004)

SBR/
50602d1



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: 50602
 Applicant: George and Carol Gibbs
 Proposal: To subdivide the 25.6 ha property into a 12.8 ha, 2 ha and 10.8 ha lots so that the applicant can provide homesites for his sons
 Legal: PID: 014-221-021
 The Fractional South East ¼ of Section 10, Township 20, Range 14, West of the 6th Meridian, Kamloops Division Yale District
 Location: 4670 Kamloops-Shuswap Road – West of Kamloops

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 noted that the agricultural capability of the subject property was improvable to 40% Class 1, 30% Class 3T with the remainder at Class 6TE.

The Commission believed that the subject property had agricultural capability and was 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.

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 considered the implications of each proposed lot. In this particular case the Commission believes that any subdivision of the property will have a negative impact on its agricultural utility as well as on the agricultural utility of surrounding properties.

Assessment of Other Factors

The Commission noted that other property owners located nearby had applied for subdivision and that some of these proposals had been approved. The Commission noted that in general it had approved requests in this area only when a significant portion of the subject property was not in the ALR and therefore had very limited agricultural capability. In this case the entire subject property was in the ALR. The Commission also recalled that it had previously refused a request to subdivide the 2 ha lot divided by the road.

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 Dempsey

THAT the application be refused.

- 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

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for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 1405/2009