



**Agricultural Land Commission**  
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June 1, 2010

Reply to the attention of Simone Rivers  
ALC File: 51638

Harold and Marilyn Oliver  
8289 Edwards Road  
Heffley Creek, B.C. V0E 1Z1

Dear Mr. and Mrs. Oliver:

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

Please find attached the Minutes of Resolution # **2446/2010** 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' in a cursive script.

Brian Underhill, Executive Director

Enclosure: Minutes/

cc: Thompson-Nicola Regional District (ALR00014)

SBR/  
/51638d1



# MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

**A meeting was held by the Provincial Agricultural Land Commission on May 20, 2010 at Williams Lake, B.C.**

<b>PRESENT:</b>	Lucille Dempsey	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

### For Consideration

Application: 51638  
 Applicant: Harold and Marilyn Oliver  
 Proposal: To subdivide a 1 ha lot from the 22 ha subject property to provide a homesite for the applicants' daughter  
 Legal: PID: 003-149-421  
 Lot 3, Sections 35 and 36, Township 22, Range 17, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan 1513, Except Plan H925  
 Location: 8289 Edwards Road, Vinsulla

### 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

A copy of the staff summary report was sent to the applicants via their daughter in advance of the meeting. The applicants did not provide any additional information and the application was reviewed based on the information in the file.

### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the subject property is improvable to 80% Class 2 x - 20% Class 3T.

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.

### Subclasses

T	topography	X	cumulative and minor adverse characteristics
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The Commission believes that the subject property has excellent 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.

#### **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 creation of a new lot from this property would alienate good quality agricultural land.

#### **Assessment of Other Factors**

The Commission recalled that it had recently (within the last two years) reviewed a subdivision request for a property located to the south of the subject property. In that particular case, a portion of the property located next to the road was not in the ALR and potentially could have been subdivided without reference to the Commission. As a condition of approval the Commission required the inclusion of that portion of the subject property into the ALR to ensure that it could not be subdivided in the future.

The Commission notes that although a portion of the current subject property is not in the ALR, it does not believe that inclusion of this land into the ALR provides a benefit to agriculture as the non-ALR portion of the property is located adjacent to the river and would likely be difficult to subdivide because it is on the flood plain and on the far side of the railroad tracks.

#### **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.



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 # 2446/2010**