



Agricultural Land Commission
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June 21, 2010

Reply to the attention of Brandy Ridout
ALC File: #51644

Herman Halvorson
PO Box 87
Grindrod, BC V0E 1Y0

Dear Sir:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #2517/2010 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Regional District of North Okanagan (File: 07-0039-F-ALR)

MC/
51644d1

Assessment of Agricultural Suitability

The Commission assessed whether factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Although the property is bordered on the west by a saw mill, adjoining and nearby parcels are either forested or used for pasture. The Commission does not believe there are 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 believes the subdivision of two rural residential parcels would erode the land's agricultural potential and increase pressure for continued subdivision on the property and in the surrounding area – particularly fronting onto the Shuswap River.

Assessment of Other Factors

The application has received significant support from Enderby – Area F Services Commission. The Mayor of Enderby (Judith Wejr) and Councilor Howie Cyr have written in support of the application because they are very interested in securing public access to the Shuswap River and developing a small park. The land for the park and access would be donated by the applicant if the subdivision was approved.

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 negatively 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 Mayer

THAT the application to subdivide the 3.1 ha lot into two rural residential lots and a 0.2 ha park parcel 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 #2517/2010