



Agricultural Land Commission
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June 1, 2010

Reply to the attention of Simone Rivers
ALC File: 51683

Gerhard Brackhaus
737 Agate Bay Road
Louis Creek, B.C. V0E 2E0

Dear Mr. Brackhaus:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2449/2010** 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, appearing to read 'Simone Rivers', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes/

cc: Thompson-Nicola Regional District (ALR00021)

SBR/
/51683d1



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.

PRESENT:	Lucille Dempsey	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

For Consideration

Application: 51683
Applicant: Gerhard Brackhaus
Proposal: To subdivide the 44.2 ha property into two lots as divided by Agate Bay Road. One lot would be 4.3 ha and the other would be 39.9 ha. Portions of both lots are not in the ALR and the total ALR area of the property is 37.8 ha.
Legal: PID: 023-037-938
Lot 1, District Lot 1476 & 6276, Kamloops Division Yale District, Plan KAP54464
Location: 737 Agate Bay Road

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 forwarded to the applicant in advance of the Commission's meeting. The applicant provided written comments for the Commission's information, which were presented to the Commission prior at the meeting. The applicant pointed out some typographical errors on the staff report which were noted by the Commission. The Commission notes that it uses property areas calculated from its online GIS program. These sometimes vary from those submitted by the applicant.

Assessment of Agricultural Capability

The Commission acknowledges that portions of the property located on both sides of the road are not in the ALR, and that these portions of the subject property may have limited agricultural capability. However, the Commission believes that the portions of the property that are in the ALR on both sides of the road have agricultural capability and are correctly designated as ALR. The airphoto for the property shows that the

portion of the property on the north side of the road, (both inside and outside of the ALR) is cleared and improved for agricultural use. The Commission also notes that much of the property located south of the road has been 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 notes that much of the land along Agate Bay Road is used for agriculture and does not believe that Agate Bay Road, although it has been improved in recent years, represents an impediment to the use of the property 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

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 # 2449/2010