



Agricultural Land Commission
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December 14, 2010

Reply to the attention of Ron Wallace
ALC File: 51872

William and Sandra Pogue
PO Box 524
150 Mile House, BC
V0K 2G0

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2826/2010** 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 'B Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes/

cc: Cariboo Regional District (4035-20-F251)

RW
/51872d1



A meeting was held by the Provincial Agricultural Land Commission on November 10, 2010 at Kamloops, B.C.

PRESENT: Gordon Gillette Vice Chair, Interior Panel
Lucille Dempsey Commissioner
Roger Mayer Commissioner
Ron Wallace Staff

For Consideration

Application: 51872
Applicant: William & Sandra Pogue
Proposal: To subdivide the 30 ha subject property into two lots of 15 ha as divided by the existing fence.
Legal: The Fractional SE ¼ of District Lot 9044 Cariboo District, Except Plans 14372, 20414 and 32148
Location: 3329 Horsefly Road

Site Inspection

A site inspection was conducted on November 3, 2010. Those in attendance were:

- Gordon Gillette Vice Chair, Interior Panel
- Sandra Pogue Applicant

Commissioner Gillette and the applicant Ms. Pogue viewed the property and discussed the proposed subdivision. It was noted there are two dwellings on the property, the original one was built in the early 1970's and the second one was built in 1989 after the property was purchased by Sandra Pogue. The purpose of the proposed subdivision is to legalize the second dwelling as it is contrary to the Regional District's zoning bylaw which prevents multiple residences on a single parcel. In addition, the applicant's brother wishes to purchase the proposed lot with the older home on it.

Portions of the property were cleared of its vegetation many years ago but these areas are not maintained and vegetation is slowly growing back. The property is generally slightly rolling to flat with some stony areas. The property is fenced and used for grazing a couple of horses.

Commissioner Eligible to Vote

Commissioners Dempsey and Mayer were not present at the site inspection. It was confirmed that a summary of the site inspection was provided thus establishing the Commissioner's eligibility to vote on the application.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

- P stoniness
- T topography
- X cumulative and minor adverse

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. In this case the Commission believes that any subdivision of the property will have a negative impact on agriculture.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

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 Dempsey

SECONDED BY: Commissioner Gillette

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED

Resolution # 2826/2010