



Agricultural Land Commission
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November 10, 2011

Reply to the attention of Liz Sutton
ALC File: 52341

James & Shelley Thompson
492 Woodward Ave
Lower Nicola, BC
V0K 1Y0

Dear James and Shelley Thompson:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **344/2011** 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 'Liz Sutton'. The signature is written in a cursive, flowing style.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Thompson-Nicola Regional District (No. ALR00037)

LS/
52341d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 26, 2011 in Burnaby, BC.

PRESENT:	Gordon Gillette	Chair
	Lucille Dempsey	Commissioner
	Jerry Thibeault	Commissioner
	Jim Collins	Commissioner
	Denise Dowswell	Commissioner
	Liz Sutton	ALC Staff
	Colin Fry	ALC Staff

For Consideration

Application: 52341
Applicant: Shelley & James Thompson
Proposal: To subdivide 26.7 ha into four 4 ha lots and a remainder 10.7 ha lot.
Legal: Lot A District Lot 133 Kamloops Division Yale District Plan 4345
Except: (1) Plans 12018, 13742, 17931, 18201, 34360, 35096 and 35747 (2) Such Undersurface Rights as are Registered in AFB Volume 18 Folio 112 No. 9674D and in Folio 120 No. 9718D
Location: Lower Nicola, BC

Site Inspection

A site inspection was conducted on September 27, 2011. Those in attendance were:

- Gordon Gillette Commissioner
- Liz Sutton Land Use Planner
- James Thompson Applicant

James Thompson confirmed that the staff report dated September 7, 2011 was received and no errors were identified.

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) system.

The improved agricultural capability of the soil of the subject property is

- 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.
- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

With limiting subclasses of stoniness and topography.

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 does not generally support the subdivision of ALR properties into smaller parcels as it often reduces the types of agriculture that can occur on the property. In addition, the Commission believes that property has good agricultural capabilities as a whole, and could be further improved with irrigation.

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 is concerned that multiple subdivisions have the potential to create further pressures for subdivision on surrounding agricultural lands. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

Conclusions

1. That the land under application is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Jim Collins

SECONDED BY: Commissioner Denise Dowswell

THAT the application be refused on the basis of good agricultural capability as a large parcel.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

CARRIED

Resolution # 344/2011