



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

May 30, 2014

ALC File: #52672
Your File: 1583

Nigel Hemmingway
Cariboo Geographic Systems
P.O. Box 1270
490 Cedar Avenue
100 Mile House, B.C. V0K 2E0

Dear Mr. Hemmingway:

Re: Reconsideration Request – ALC Resolution #59/2012

Please find attached the response of the Agricultural Land Commission with respect to your Request for Reconsideration. As agent, it is your responsibility to notify your client(s) accordingly.

Further correspondence with respect to this application is to be directed to Ron Wallace at Ron.Wallace@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'C. Fry', is written over a light blue horizontal line.

Colin J. Fry, Chief Tribunal Officer

Enclosure: Response to Request

cc: Cariboo Regional District (File:4035-20-20110053)

52672m2



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 26, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to the Request for Reconsideration of Application #52672.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Ron Wallace	Planner
Colin Fry	Chief Tribunal Officer

REQUEST FOR RECONSIDERATION

The Commission received correspondence dated September 6, 2012 requesting reconsideration of its decision recorded as Resolution #59/2012, by which, the proposal to exclude the subject property to facilitate subdivision was refused.

Owner: Allan & April Roberts

Agent: Nigel Hemmingway, Cariboo Geographic Systems

Original Proposal: (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)
The proposal is to exclude 16 ha from the ALR for the purpose of subdividing into four 4 ha rural lots.

Legal: PID: 06-731-708
Lot A District Lot 4260 Lillooet District Plan 22776

Location: 6017 Toomey Road and 6032 Horse Lake Road, 100 Mile House

Original Decision: Refused

Current Request: To reconsider the application based on the submission of a professional Agrologist Report prepared for the subject property.

LEGISLATIVE CONTEXT FOR COMMISSION RECONSIDERATION

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

DECISION REGARDING THE REQUEST FOR RECONSIDERATION

The Commission acknowledges the Agrologist Report's (the "Report") findings that the majority of the 'arable land' "is marginal and discontinuous" and that the property has limited agricultural potential. However, while the Report did provide more detail about the agricultural capability of the property, it did not provide any significant new information; the Report essentially confirmed what the Commission already understood about the property. Furthermore, the Commission maintains the view that the current parcel configuration already fulfills the necessity for a buffer between the residential lots outside of the ALR and the large agricultural parcels within the ALR.

Conclusion:

The Commission decided not to reconsider Resolution #59/2012.