



**Agricultural Land Commission**  
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Burnaby, British Columbia V5G 4K6  
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[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

May 30, 2014

ALC File: #53290

Brad Wiles  
Wiles Surveying  
2323 Claymine Road  
Quesnel, B.C. V2J 7C5

Dear Mr. Wiles:

**Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)**

Please find attached the Minutes of Resolution #91/2014 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Ron Wallace at [Ron.Wallace@gov.bc.ca](mailto:Ron.Wallace@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #91/2014

cc: Cariboo Regional District (LG File #4035-20-B2013007)

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## MINUTES OF THE 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 Application #53290.

### 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

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**PROPOSAL** (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the property to create an 18.0 ha lot and a 39.7 ha remainder. The proposed 18 ha lot would be sold for the purpose of building a home site and developing a market garden. The proposed remainder contains a mobile home, a vacant log house and out buildings.

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### PROPERTY INFORMATION:

**Owner:** Bernard Naaykens

**Legal:** PID: 015-065-197  
District Lot 1120, Cariboo District, Except Thereout the Right of Way of the Dominion Telegraph Line Which May Lie Within the Boundaries of Those Lands and Except Parcel M (B4277)

**Location:** Quesnel

**Size:** 57.7 ha

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### LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
  - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and

- (c) 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.
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**COMMISSION CONSIDERATION**

The Commission reviewed a previous application involving the subject property:

Application # 31497 (Naaykens, 1997) To exclude the 58.7 ha property of which approximately 44 ha are in the ALR. It is understood the intention is to subdivide the property along the Blackwater Road into one lot of 14.3 ha and a remainder of 44 ha. Refused exclusion but allow subdivision along the road.

After considering the information the Commission concluded as follows:

1. While the Commission recognizes the applicant's rationale for the proposed subdivision and why they would like it to straddle Blackwater Road, the Commission is not satisfied that this division of the property provides the best overall agricultural potential of the whole property. The Commission continues to believe, as decided in previous application #D-31497 by Resolution #532/97, that subdivision along Blackwater Road is a more suitable division of the property.

**Conclusion:**

To subdivide the property along Blackwater Road to create two lots is a more suitable division of the property.

**IT WAS**

**MOVED BY: Commissioner Thibeault**

**SECONDED BY: Commissioner Dyson**

THAT the proposal to subdivide the property to create a ±18.0 ha lot and a ±39.7 ha remainder be refused. However, the Commission's decision by Resolution #532/97 remains in effect.

**CARRIED**

**Resolution #91/2014**