



Agricultural Land Commission
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March 14, 2007

Reply to the attention of Simone Rivers
ALC File: #ZZ - 37166

Brian Johnson
5630 Curlew Road
Vernon, BC V1B 3J8

Dear Mr. Johnson:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 79/2007 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (#ALR-L-380)

Enclosure: Minutes/Sketch Plan

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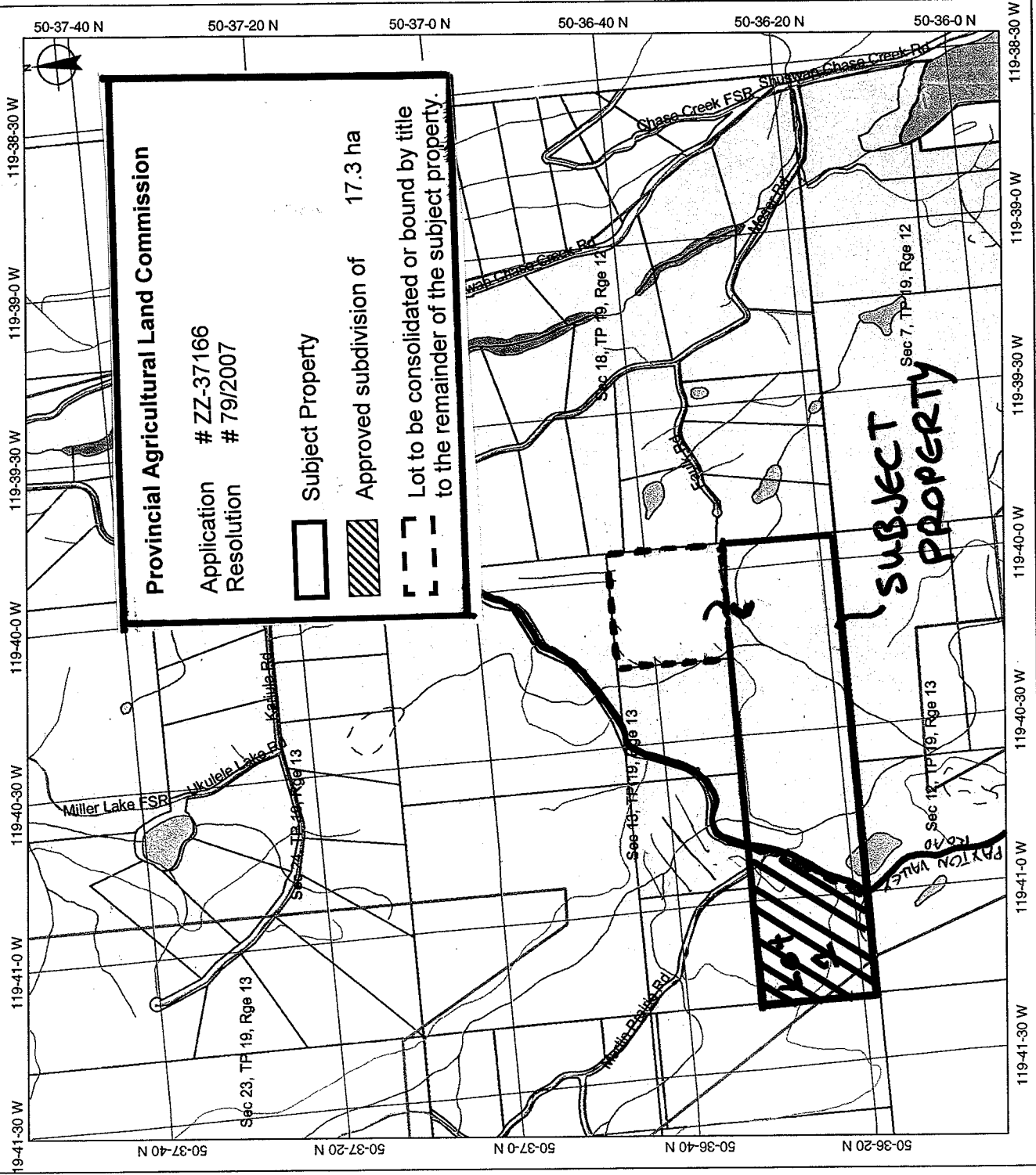
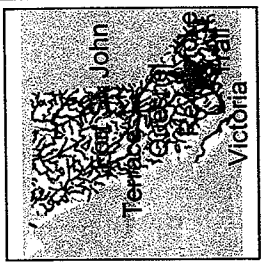


82L-062
ALR



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Datum/Projection: NAD83, Alberta Equal Area Conic
Key Map of British Columbia



Provincial Agricultural Land Commission

Application # ZZ-37166
Resolution # 79/2007

Subject Property

Approved subdivision of 17.3 ha

Lot to be consolidated or bound by title to the remainder of the subject property.



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 1, 2007 at Barriere, B.C.

PRESENT:	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Frank Read	Commissioner
	Simone Rivers	Staff

ABSENT:	Gordon Gillette	Commissioner
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For Consideration

Application:	# ZZ- 37166
Applicant:	Brian Johnson Ltd.
Agent:	Brian Johnson
Proposal:	To subdivide 17.3 ha which is separated from the remainder of the quarter section by Paxton Valley Road.
Legal:	PID: 012-187-470 The South ½ of the South ½ of Section 13, Township 19, Range 13, West of the 6 th Meridian, Kamloops Division Yale District
Location:	6718 Paxton Valley Road, Monte Creek, east of Kamloops

Site Inspection

A site inspection was conducted on February 28, 2007. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Frank Read Commissioner
- Simone Rivers Staff
- Brian Johnson Applicant

The Commission met the applicant at the property and discussed the proposal. The applicant stated that his family also owned an adjacent 16 ha property. He further stated that he thought that one of his neighbours would be willing to buy the proposed lot if it were subdivided. The property was covered in snow but the Commission could see that the property west of the road was hillier than the land east of the road and that a portion of the land east of the road was under cultivation.

Mr. Johnson confirmed that the staff report dated February 12, 2007 was received and no errors were identified.

Discussion

Assessment of Agricultural Capability

The Commission is satisfied that the subject property has agricultural capability and is correctly designated as ALR.

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 was reluctant to create a new lot but noted that the applicant owns other land in the area. The Commission would be willing to allow the subdivision as proposed subject to the consolidation or binding by title of the other property owned by the applicant preventing its separate sale. The Commission believes that this consolidation would provide a benefit to agriculture.

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.

IT WAS

MOVED BY: Commissioner Huffman
SECONDED BY: Commissioner Campbell

THAT the application be refused as submitted.

AND THAT the subdivision be approved subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the consolidation of the remainder of the subject property with Legal Subdivision 8, Section 12, Township 19, Range 13, W6M, Kamloops Division Yale District
- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 79/2007



Staff Report
Application # ZZ – 37166
Applicant: Brian Johnson Ltd.
Agent: Brian Johnson

DATE RECEIVED: January 15, 2007

DATE PREPARED: February 12, 2007

TO: Chair and Commissioners – Interior Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide 17.3 ha which is separated from the remainder of the quarter section by Paxton Valley Road.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The Commission has allowed one subdivision in the area (Application # 30617) due to poor agricultural capability of the subject property. All other small lot subdivision in the area occurred prior to the creation of the ALR. Four other subdivision applications in the immediate area have been refused. The Commission also refused an identical request from the applicant in 1995 and reconfirmed the decision in 1997 (application # 27195).

Local Government:

Thompson-Nicola Regional District

Legal Description of Property:

PID: 012-187-470

The South 1/2 of the South ½ of Section 13, Township 19, Range 13, W6M, Kamloops Division Yale District

Purchase Date:

April 1992

Location of Property:

6718 Paxton Valley Road, Monte Creek, east of Kamloops

Size of Property:

64 ha (The entire property is in the ALR).

Present use of the Property:

Cattle Grazing

Surrounding Land Uses:

WEST: Cattle Grazing
SOUTH: Cattle and Horse Grazing
EAST: Twenty Acre Parcels
NORTH: Mixed Farming, Chinchilla Farm

Agricultural Capability:

Data Source: Agricultural Capability Map # 82L/12
The majority of the property is identified as having Prime Dominant ratings.

Official Community Plan and Designation:

Regional Growth Strategy Schedule "A" of Bylaw No. 1767
Designation: N/A

Zoning Bylaw and Designation:

Zoning Bylaw No. 940
Designation: AF- 1 (Agricultural/Forestry)
Minimum Lot Size: 8 ha

PREVIOUS APPLICATIONS:

Application #27195-0

Applicant: Brian Johnson
Decision Date: January 12, 1993
Proposal: To subdivide a 17.3 ha lot from the 64.75 ha property in order to raise capital to finance farming on the rest of the property.
Decision: Refused on the grounds of agricultural capability and parcelization in an agricultural area.

Application #27195-1

Applicant: Brian Johnson
Decision Date: September 23, 1997
Proposal: Reconsideration request to subdivide a 17.3 ha lot from the 64.7 ha property based on a subsequent decision of the Commission (application #30617) to allow the subdivision of a 64.8 ha property into 8 rural residential lots.
Decision: Refused on the grounds of parcelization of farmland.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

No Comments or Recommendations as per policy

STAFF COMMENTS:

Staff recommend a site visit to evaluate the agricultural capability of the subject property.

ATTACHMENTS:

- Minutes and Letter of Application # ZZ-27195-1 – Reconsideration Request
- Sketch of proposal (submitted by the applicant)
- ALC Context Map 1:20,000 (created by ALC Staff in iMap)
- ALC Context Map 82L/12 - 1:50,000 (created by ALC Staff)
- Airphoto – 10:10,000 (created by ALC Staff in iMap)

END OF REPORT

Simone Rivers
Signature

Date

Feb 12, 2007