



**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

August 31, 2007

Reply to the attention of Simone Rivers  
ALC File: # D - 37398

Harold and Barbara Brown  
PO Box 1421  
150 Mile House, BC V0K 2G0

Dear Sir/Madam:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 433/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over a white background.

Erik Karlsen, Chair

cc: Cariboo Regional District (4035-20-F235)  
Margaret Brown & Roy Hall, PO Box 1421, 150 Mile House V0K 2G0

Enclosure: Minutes

SBR/lv  
37398d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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A meeting was held by the Provincial Agricultural Land Commission on August 23, 2007 at the offices of the Ministry of Agriculture and Lands, Kamloops, B.C.

<b>PRESENT:</b>	Grant Huffman	Chair, Interior Panel
	Holly Campbell	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff
	Martin Collins	Staff

### For Consideration

Application: # D- 37398  
Applicant: Harold and Barbara Brown, Roy Hall and Margaret Brown  
Proposal: To subdivide the 16 ha subject property into two lots of roughly equal size.  
Legal: PID: 012-922-285  
District Lot 4908, Block B, Cariboo District, Plan 9445  
Location: 3545 Horsefly Road, 150 Mile House

### Site Inspection

A site inspection was conducted on August 21, 2007. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Margaret Brown Applicant

The Commission visited the property and viewed the two existing houses. It also saw that a portion of the property was cleared and a portion was forested. Ms. Brown stated that she has owned this property with her parents since the 1980's and that they wished to sell their half and move. Ms. Brown wished to keep her portion of the property.

Ms Brown confirmed that the staff report dated August 8, 2007 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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

### Discussion

#### **Assessment of Agricultural Capability**

The agricultural capability of the soil of the subject property is typical of that found in this area of the Cariboo Regional District and can be used for forage production, pasture and rough grazing.

#### **Assessment of Agricultural Suitability**

The Commission assessed whether the 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 that external factors 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 noted that the subject property is located in an area of similar sized or larger parcels that are used for ranching. Pasture and rough grazing uses predominate. Smaller parcels narrow agricultural options and potential farm income and increase potential for conflict with adjoining farms and farming activity. Furthermore the Commission's experience is that subdivision can result in speculation and heightened expectations, increasing potential for conflict, and further reducing agricultural activity.

#### **Assessment of Other Factors**

In this case the Commission is being asked to subdivide the property so that each home can be located on a separate title, and then sold. In general, (unless for an immediate family member or for farm help), only one dwelling is permitted on each ALR land registry parcel. The Commission does not believe that the existence of two houses on a property is in and of itself a reason to subdivide a property.

### **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 negatively impact agriculture by reducing agricultural options and further increasing subdivision pressures.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

**IT WAS**

**MOVED BY:** Commissioner Gillette

**SECONDED BY:** Commissioner Campbell

THAT the application be refused.

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 # 433/2007**



**Staff Report**  
**Application # D – 37398**  
**Applicant: Harold and Barbara Brown, Roy Hall, Margaret Brown**  
**Agent: Margaret Brown**

**DATE RECEIVED:** April 30, 2007

**DATE PREPARED:** August 8, 2007

**TO:** Chair and Commissioners – Interior Panel

**FROM:** Simone Rivers, Land Use Planner

**PROPOSAL:** To subdivide the subject property into two lots one parcel approximately 7.8 ha and the other one approximately 8.3 ha.

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

**BACKGROUND INFORMATION:**

**Local Government:**

Cariboo Regional District

**Legal Description of Property:**

PID: 012-922-285  
District Lot 4908, Block B, Cariboo District, Plan 9445

**Purchase Date:**

May 1981

**Location of Property:**

3545 Horsefly Road, 150 Mile House

**Size of Property:**

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

**Present use of the Property:**

East side of property has two buildings, one (1) residential home and one (1), west side of property has three buildings, one (1) residential, one (1) truckshop and one (1) shed used as a kennel and storage.

**Surrounding Land Uses:**

**WEST:** Residence  
**SOUTH:** Crown land  
**EAST:** Crown land  
**NORTH:** Private Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 93A/4  
The majority of the property is identified as having Secondary ratings.

**Zoning Bylaw and Designation:**

Central Cariboo Area Rural Land Use Bylaw No. 3503 (1999)  
Designation: Rural 1 (RR1)  
Minimum Lot Size: 4.0 ha

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support.

**STAFF COMMENTS:**

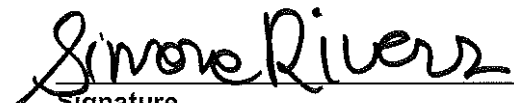
Staff note the following:

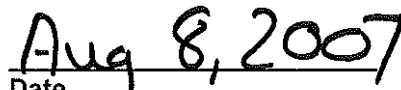
- There have been no previous applications on the subject property or adjoining properties
- There are currently two houses on the property and the applicants wish to create a separate title for each home.
- Staff recommend a site visit to evaluate the impact subdivision would have on the long term agricultural capability and potential of the subject property.

**ATTACHMENTS:**

- Description of proposal as submitted by the applicants
- Sketch showing proposed subdivision (as submitted by the applicants)
- Local Government Report with recommendations from Local Government Staff, the Advisory Planning Commission and the Cariboo Regional District Board.
- ALC Context Map - 93A.021 - 1:50,000 (created by ALC Staff)
- Airphoto - 2005 - 1:10,000 (created by ALC Staff)

END OF REPORT

  
Signature

  
Date

RECEIVED  
PROV. AGRICULTURAL  
LAND COMMISSION APR 30 2007

**Proposal**

We wish to separate DL 4908 Block B into two separate parcels.

To divide DL 4908 Block B into two pieces we propose the property line be placed through the center of the existing roadway, behind the shop and straight onto the North property line.

One parcel would be approximately 6.475 ha and the other 9.712 ha.

**Current Land Use**

The East side of this property has two buildings, 1 residential home and 1 outbuilding used as a workshop. This property is residential.

The West side of the property has three buildings, 1 residential home, 1 truckshop, and 1 shed used as a kennel and storage. This property is residential and farmland (beef).



11 1320'

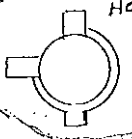
Proposed Lot 1

Lot 1

Residential



H. BROWN HOUSE



SHOP



M. BROWN HOUSE



SWAMP

Farm use

VERY ROUGH TERRAIN

Proposed Lot 2

SWAMP

FIELD

BUSH

FIELD

OUTLINE OF TREES

OUTLINE OF FIELD

OUTLINE OF TREES

BUSH

BANK

STREAM

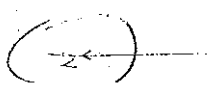
BANK 60 TO 100' HIGH

ACCESS

BANK 30' HIGH

775'

545'



3545 HORSEFLY RD.  
BLOCK B, PLAN 9445  
DISTRICT LOT 4908

WAIN'S JONES



DIRECTOR Duncan Barnett  
ELECTORAL AREA "F"

APPLICATION UNDER THE LAND COMMISSION ACT

INFORMATION SHEET

File No: 4035-20-F235

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Advisory Planning Commission

Date Received: March 14, 2007

That this application be forwarded to the ALC with recommendation for approval. However, the APC also observes the following:

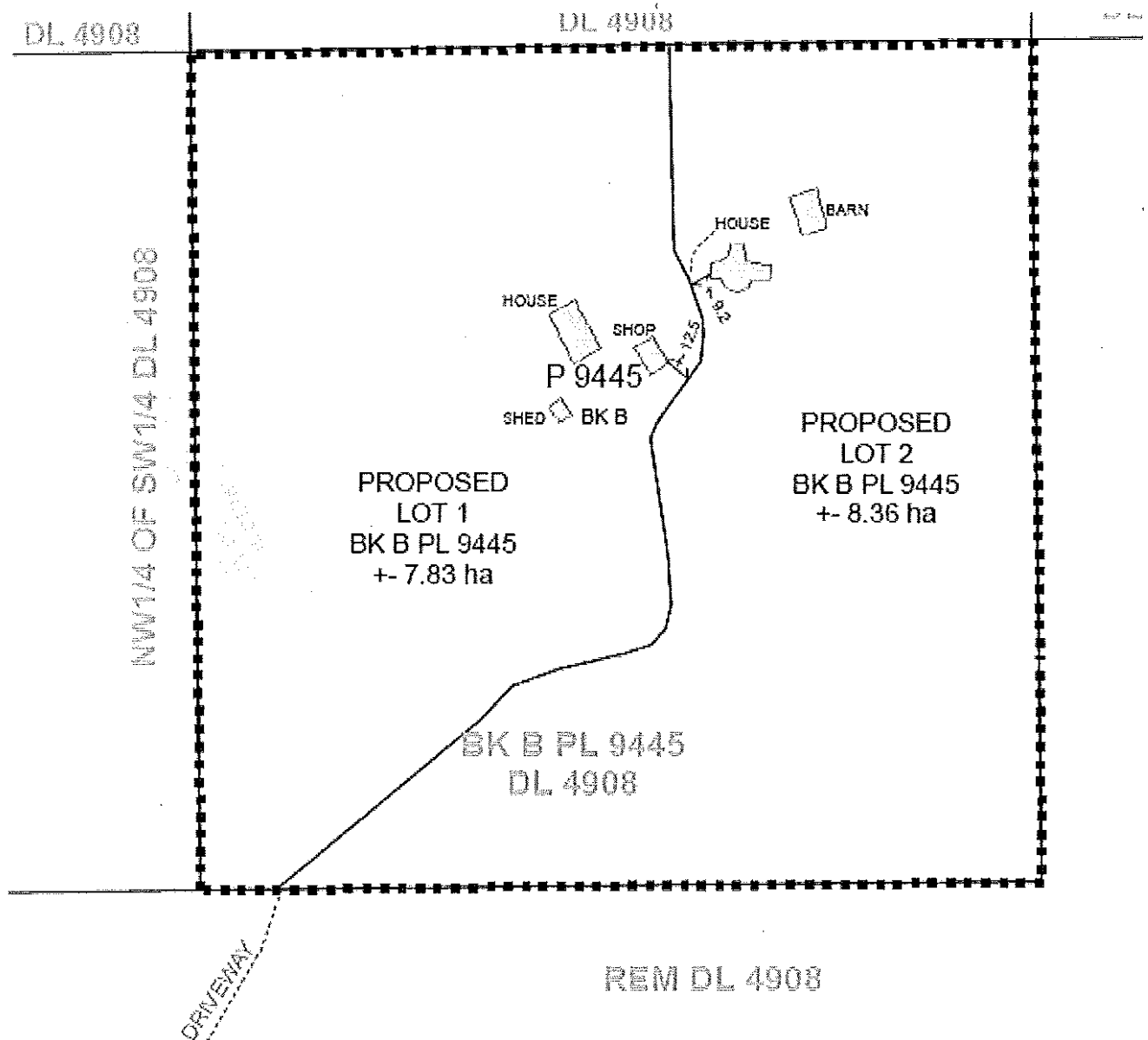
1. The creation of smaller parcels within this extended ALR area is not an ideal situation. However, the two residences and outbuildings have been located on the subject property for many years.
  2. Also the potential upgrading of the unnamed gravel pit road to and within the subject property is not considered desirable.
  3. The APC supports the consolidation of part of the existing property to the adjacent property to the north if circumstances permit it.
- 

Planning Department

Date Received: February 19, 2007

Planning staff support forwarding this application for a subdivision to the Agricultural Land Commission with a recommendation for approval.

An application has been submitted to subdivide property into two lots of 8.3 ha (20.5 ac) and 7.8 ha (19.3 ac) shown conceptually below:



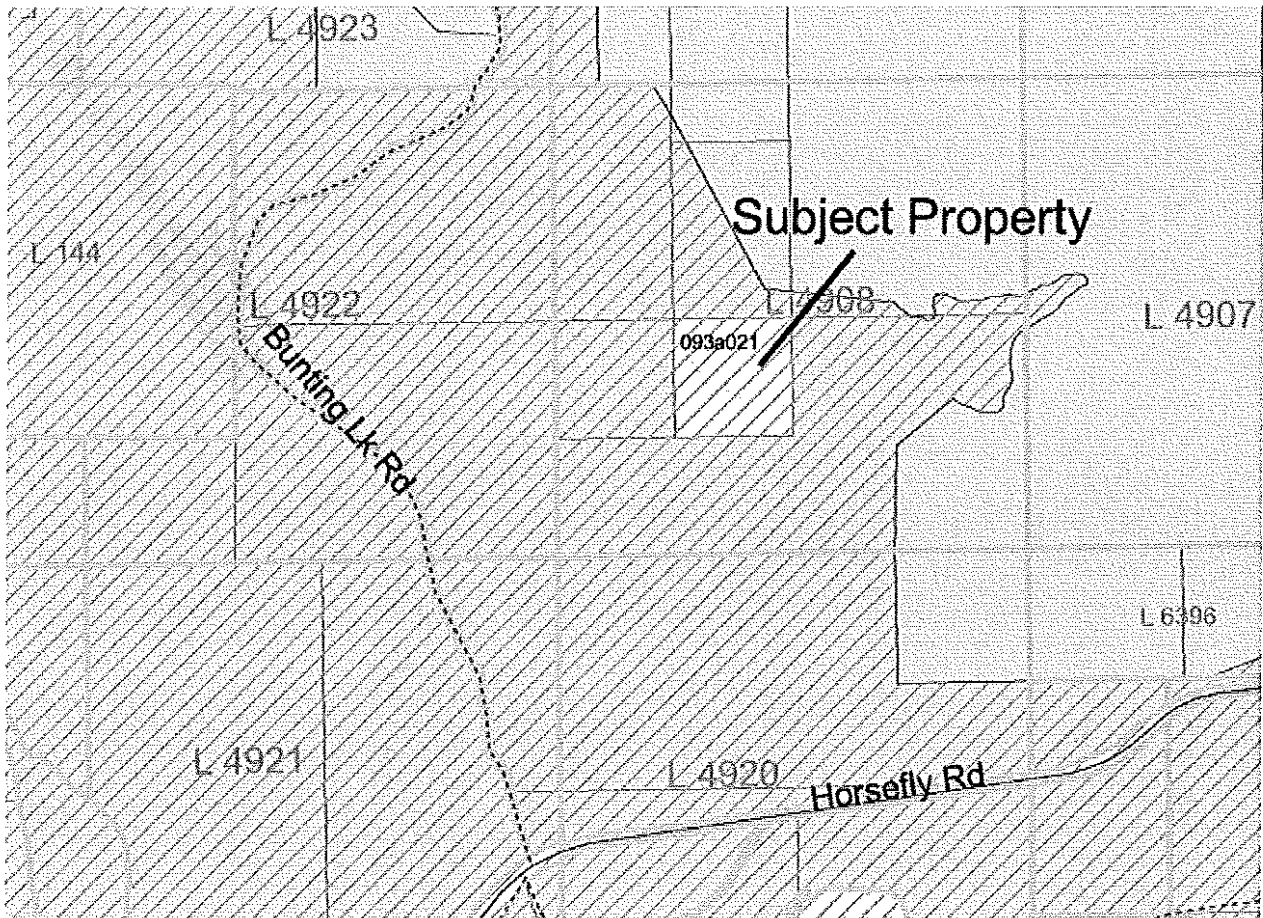
The property is located in the vicinity of Bunting Lake Road and Horsefly Road. It is zoned Rural 1 (RR 1) in accordance with the Central Cariboo Area Rural Land Use Bylaw and is approximately 16.2 ha (40.0 ac) in size. No rezoning application will be required as the lot sizes of each proposed lot are in accordance with the minimum parcel size required by the zoning.

The property has not been owned by the family since 1972 and therefore a homesite severance is not possible. However, since the property is co-owned by family members and contains two homes, the intent is to create two parcels, each separately owned by family.

According to the Canada Land Inventory, the agricultural capability for this property is rated as Class 5, which is capable of producing cultivated perennial forage crops and specially adapted crops, and mainly Class 6, which is important in its natural state as grazing land. There is no change in the

improved rating. Class 1 is considered the best quality soils, while Class 7 is the poorest quality soils.

The property is currently assessed as a farm for tax purposes and although the subdivision will create lot sizes smaller than in the immediate vicinity, as per the graphic below, the proposed parcel sizes will facilitate farming activities.



The Agriculture and Forestry Policies Review and Development recommends subdivision within the ALR in cases where the development is proposed for agricultural purposes. In a discussion with the applicants' agent, she indicated that the intent is to continue agricultural activities. Therefore subdivision within the ALR is appropriate.

Planning staff do not object to this application.

**Recommendation:** That this application be advanced to the Agricultural Land Commission with a recommendation for approval.

That the Provincial Agricultural Land Commission application for subdivision within the Agricultural Land Reserve, pertaining to Block B, District Lot 4908, Cariboo District, Plan 9445, be received. Further, that this item be deferred for one month.

April 13, 2007

“That the Provincial Agricultural Land Commission application for subdivision within the Agricultural Land Reserve, pertaining to Block B, District Lot 4908, Cariboo District, Plan 9445, be received and authorized for submission to the Provincial Agricultural Land Commission with a recommendation for approval. Further that APC comments be included in the package sent to the ALR.”