



Agricultural Land Commission
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August 31, 2007

Reply to the attention of Simone Rivers
ALC File: # ZZ - 37518

David and Joan Bayly
1328 Heffley Louis Creek Road
Heffley, BC V0E 1Z0

Dear Mr. and Mrs. Bayly:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 435/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-P-105)

Enclosure: Minutes

SBR/lv
37518d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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.

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

For Consideration

Application: # ZZ- 37518
Applicant: David and Joan Bayly
Proposal: Subdivision for a Relative: To subdivide the 18.2 ha parcel to create an 8.1 ha lot and a 10.2 ha lot.
Legal: PID: 003-486-834
That part North West 1/4, Section 9, Township 22, Range 16, W6M, Kamloops Division of Yale District, Shown on Plan B600
Location: 1328 Heffley Louis Creek Road, Heffley Creek

Site Inspection

A site inspection was conducted on August 22, 2007. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Martin Collins Staff
- Joan and David Bayly Applicants

The Commission walked the property with the applicants. They noted that part of the property had been improved to agricultural use.

Mr. and Mrs. Bayly confirmed that the staff report dated July 25, 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.

Discussion

Assessment of Agricultural Capability

The Commission believes that the property has agricultural capability and is correctly designated as ALR. It noted that part of the property had been improved for pasture.

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 there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission does not believe that subdivision of the property is supportive of the long term agricultural use of the property. However, the Commission is sympathetic to the applicant's desire to place a second dwelling on the property and believe that this would not have the same negative implications as subdivision. Therefore the Commission would allow a second dwelling to be placed on the property as proposed. Approval to place a second dwelling should in no way be seen as endorsement by the Commission for the future subdivision of the 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.
4. That the subdivision 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 as proposed.

AND THAT the Commission would allow a second dwelling to be built on the property.

AND THAT approval to build a second dwelling is granted to the applicant only and the second dwelling must be built 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 # 435/2007