



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

October 8, 2008

Reply to the attention of Simone Rivers
ALC File: D-37706

Robert & Nicole Zappone
2231 Teofil Road
Quesnel, BC V2J6K6

Dear Mr. and Mrs. Zappone:

Re: Request for Reconsideration

This is further to your letter of June 24, 2008 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #599/2007.

The Commission has reconsidered the matter and has attached the Minutes of Resolution # 585/2008 outlining its latest decision.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Cariboo Regional District (4035-20-B278)

Enclosure: Minutes/

SBR/
37706d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 18, 2008 at the Plaza Heritage Hotel, Kamloops, B.C.

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

For Consideration

Application: # D- 37706
Applicant: Robert & Nicole Zappone
Proposal: To reconsider the Commission's refusal to allow the subdivision of the 235 ha property into a 44 lot rural residential subdivision. The application was reconsidered on the Commission's own initiative when it became clear that the Commission had not been made aware of relevant information concerning the exclusion of properties to the east of the subject property.

Legal: PID: 015-225-097
District Lot 3363, Cariboo District
Location: Nazko Road - 1 km south of Bouchie Lake

Site Inspection

A site inspection was conducted on September 16, 2008. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Robert and Nicole Zappone Applicants
- Ken Falloon Director, Area B, Cariboo Regional District
- Jim Savage Executive Director, Quesnel Community and Economic Development Corporation

The Commission met the applicants and interested parties at the corner of the property. As the Commission had previously made an extensive tour of the property, the meeting largely involved discussing the reasons why the applicants and other interested parties believed that this proposal was important to the City of Quesnel.

Ms. Zappone confirmed that the staff report dated August 13, 2008 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

In reviewing this application for a second time, the Commission was largely focusing on the information that it did not have at the time it made its original decision. This was information about previous exclusion applications that had been made for properties east of the subject property. The Commission had been aware that the land was not in the ALR but had not been made aware of the circumstances around the removal of these lands from the reserve.

Assessment of Agricultural Capability

While acknowledging that there are challenges to the agricultural development of the subject property, the Commission believes that the 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. The property is bordered on two sides by large holdings that are in the ALR and on two sides by non-ALR land that has been subdivided. The Commission does not believe that this renders the land unsuitable for agricultural development as there is agricultural development in this area of the ALR.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. When the Commission assesses applications for subdivision, it generally takes the view that smaller lots are not consistent with long term agricultural productivity and activity. Although the applicants assert that the smaller lots they propose to create will be used for agricultural purposes it is the Commission's experience that smaller lots are less likely to be used for agricultural activities than larger ones. The Commission believes the proposal would impact existing or potential agricultural use of the subject property and of surrounding lands.

Assessment of Other Factors

The applicants and other interested parties averred that the development of this property was important for the economic development of the Quesnel area as it would bring people into the area who would develop small agricultural operations on the properties that were to be subdivided. While this might be the case, the Commission does not believe that it has been presented with sufficient evidence to indicate that a large block of ALR should be subdivided to meet this alleged deficiency. The Commission further notes that it has been indicated by Cariboo Regional District (the

RD) staff that it is the intention of the Regional District to review the Quesnel Fringe Area Official Community Plan within the next year. The Commission encourages the RD in this task and anticipates a better understanding of land use and agriculture in the entire Quesnel Fringe Area upon the completion of the plan. Presumably an inventory of rural holdings, both in and outside of the ALR will form part of the OCP review.

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 impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.
5. That the Commission believes that the assertion that there is need of smaller agricultural holdings in this area is anecdotal and that an Official Community Plan review is the proper forum for identification of land use trends and needs in the area.

IT WAS

MOVED BY: Commissioner Campbell

SECONDED BY: Commissioner Gillette

THAT the original decision to refused the application be reconfirmed.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

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 # 585/2008