



Agricultural Land Commission
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February 27, 2008

Reply to the attention of Simone Rivers
ALC File: ZZ-37849

Wanda Amos
Box 681
Barriere, BC V0E1E0

Dear Ms. Amos:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 45/2008 outlining the Commission's decision as it relates to the above noted application.

Should you wish to proceed as outlined in the attached minutes, 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:

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

Erik Karlsen, Chair

cc: Thompson-Nicola Regional District (ALR-O-46)

Enclosure: Minutes/



A meeting was held by the Provincial Agricultural Land Commission on February 21, 2008 at the offices of the Ministry of Agriculture and Lands, Kamloops, B.C.

| | | |
|-----------------|----------------|-----------------------|
| PRESENT: | Grant Huffman | Chair, Interior Panel |
| | Holly Campbell | Commissioner |
| | Roger Mayer | Commissioner |
| | Simone Rivers | Staff |

For Consideration

Application: # ZZ- 37849
 Applicant: Wanda Amos
 Proposal: Subdivision for a Relative: To subdivide the 2.5 ha subject property into a 1.1 ha lot and a 1.4 ha lot. The purpose of the proposal is to provide a homesite for the applicant's son and daughter-in-law.
 Legal: PID: 011-373-130
 Lot 2, District Lot 1325, Kamloops Division Yale District, Plan 1746, EXCEPT Plan 14814
 Location: Haggard Road and Staines Road, Barriere

Site Inspection

A site inspection was conducted on February 20, 2008. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Roger Mayer Commissioner
- Simone Rivers Staff
- Wanda Amos Applicant

The Commission met the applicant at her home. The Commissioners viewed the property which was flat and cleared. There are two homes on the subject property and the applicant would like to sell one of them to her son.

Ms. Amos confirmed that the staff report dated January 24, 2008 was received and pointed out an error in the proposal description. The sizes of the proposed lots were incorrect. The staff report has been corrected.

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 agricultural capability of the soil of the subject property is improvable to 60% Class 5IW – 20% Class 1 – 20% Class 7IW.

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Class 7 – Land in this class has no capability for arable or sustained natural grazing

Subclasses

I inundation (flooding by streams, etc.) W excess water

The Commission believes the property has agricultural capability and is correctly identified as ALR.

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 noted that the property was in a neighbourhood of small lots that were subdivided in the 1960s. Most of the land to the north is subdivided into similar-sized small lots but there are some larger ALR parcels to the south. The existing subdivision, which surrounds the subject property does somewhat reduce the suitability of the land for agricultural use.

Assessment of Impact on Agriculture

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. A similar request by the applicant was refused by the Commission in the 1990's. That decision was made without the benefit of a site visit. At its visit the Commission noted that the property is small, but it appeared to have agricultural capability which will be reduced by its subdivision. Given the surrounding land uses, the Commission believes that a subdivision will reduce the agricultural capability of the subject property and not the surrounding properties which are largely rural residential in nature. There is a larger ALR property to the south but it is buffered from the subject property by the existing small lots to the south.

However, the Commission believes that as much of subject property as possible should be kept as one lot. The Commission, therefore will allow revised proposal in which one lot is created at the minimum lot size of 0.8 ha with a remainder encompassing the rest of the land. The applicant could decide which house would be located on the 0.8 ha lot and which one was on the larger 1.7 ha lot. The Commission would also accept a revised proposal that created one lot smaller than 0.8 ha should it be possible to create such a lot through the provisions of Section 946 of the *Local Government Act*.

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 a revised proposal creating one smaller lot and one larger lot will reduce the impact of the proposal.

IT WAS

MOVED BY: Commissioner Huffman

SECONDED BY: Commissioner Mayer

THAT the application be refused as proposed.

AND THAT the Commission would allow a revised proposal of one 0.8 ha lot and one 1.7 ha lot.

AND THAT the approval is subject to the following condition, 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 # 45/2008