



Agricultural Land Commission
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June 3, 2009

Reply to the attention of Simone Rivers
ALC File: ZZ-38628

Donna Ebl
Box 259 - 1090 Edith Lake Road
Knutsford, BC V0E 2A0

Dear Mrs. Ebl:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 135/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: *Simone Rivers*

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Thompson-Nicola Regional District (ALR-L-396)

SBR/
i/38628d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on April 29, 2009 at Kamloops, B.C.

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

For Consideration

Application: # ZZ- 38628
 Applicant: Donna and George Ebl
 Proposal: To subdivide the 64 ha property into two approximately equal 32 ha properties as divided by the existing forest service road.
 Legal: PID: 014-375-940
 North West 1/4, Section 6, Township 19, Range 17, W6M,
 Kamloops Division of Yale District
 Location: Knutsford

Site Inspection

A site inspection was conducted on April 29, 2009. Those in attendance were:

- Grant Huffman Chair, Interior Panel
- Holly Campbell Commissioner
- Gordon Gillette Commissioner
- Simone Rivers Staff
- Donna Ebl Applicant
- George Ebl Applicant

The Commission discussed the application with Mrs. Ebl who noted that she while she was separated from Mr. Ebl they still owned the property jointly with each person living in the two separate dwellings located on either side of the road. The Commission was informed that George Ebl farmed both sides of the road. The Commission then visited Mr. Ebl's homesite on the far side of the road. The Commission noted that the road dividing the property followed a bit of a ridge and that the west side of the property was considerably lower than the east side. The Commission also noted that the majority of the subject property had been cleared and improved for agricultural use.

Mrs. Ebl confirmed that the staff report dated February 3, 2009 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 subject property has agricultural capability and is correctly designated as ALR. The majority of the property had been cleared and was being use for agriculture.

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. This area of ALR consists predominantly of large agricultural holdings. The property was being farmed as unit and the Commission did not believe that the road dividing the property reduced its suitability or was an impediment to its use as a single agricultural unit.

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, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. Although the Commission appreciated the personal circumstances that led to the application, it believed that the subject parcel has more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term. In this case the Commission believes that any subdivision of the property will have a negative impact on 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.
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.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Huffman

THAT the application be refused

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.

CARRIED
Resolution # 135/2009