



Agricultural Land Commission
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June 3, 2009

Reply to the attention of Simone Rivers
ALC File: ZZ-38729

Lisa May Nielsen
5901 Weir Road
Knutsford, BC V0E2A0

Dear Ms. Nielsen:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 133/2009 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', is written over the printed name.

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Thompson-Nicola Regional District (ALR-L-401)

SBR/
i/38729d1



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- 38729
 Applicant: Lisa May Nielsen
 Proposal: To subdivide the 55.8 ha property into a 9.2 ha lot and a 46.6 ha lot as divided by Weir Road.
 Legal: PID: 011-849-886
 That Part of the NorthEast ¼ of Section 31 Lying West of the West Shore of Brigade Lake; Township 17, Range 17, West of the 6th Meridian, Kamloops Division Yale District
 Location: South of Kamloops on Brigade Lake

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
- Brad Nielsen Husband of the applicant.

Mr. Nielsen explained why his family wished to subdivide the property. He wished to build a home on the other side of the road so that they could consolidate their hobby farming operations and not have to cross the road to access barns and corals.

Mr. Nielsen confirmed that the staff report dated February 6, 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 believed that the subject property had agricultural capability and is correctly designated as ALR. The property was cleared and improved for agricultural use.

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. Holdings in this area of the ALR are generally large and used for ranching and other agricultural activities.

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 it has been reluctant to allow subdivision in this area and has refused 3 previous requests to divide this property by the road. The Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. While the Commission considered the personal reasons for the request it believes 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 Huffman
SECONDED BY: Commissioner Gillette

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 # 133/2009