



Agricultural Land Commission
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October 7, 2009

Reply to the attention of Simone Rivers
ALC File: D-38957

Tom Smithwick
Porter Ramsay LLP
200 - 1465 Ellis Street
Kelowna, BC V1Y 2A3

Dear Mr. Smithwick:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **861/2009** outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

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

Enclosure: Minutes/

cc: Cariboo Regional District (4035-20-E065)

SBR/
38957d1



A meeting was held by the Provincial Agricultural Land Commission on September 15, 2009 at Kamloops BC.

PRESENT: Lucille Dempsey Commissioner
Gordon Gillette Commissioner
Simone Rivers Staff

ABESENT: Grant Huffman Chair, Interior Panel

For Consideration

Application: D-38957
Applicant: ET Farms
Agent: Tom Smithwick
Proposal: To subdivide the 128 ha property into six 8 ha lots and five 16.75 ha lots.
Legal: PID: 014-868-709
The East ½ of Section 25, Township 46, Lillooet District
Location: Springhouse, 1 km north of Boitano Lake

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 40% Class 4 CP – 40% Class 4 C improvable to 60% Class 3P – 40% Class 2C.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses: C adverse climate P stoniness

The Commission acknowledges the limitations to cultivation outlined in the report submitted by Ronald Meister but believes that the subject 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 Commission notes that other properties in the area are predominantly large holdings with the exception of the small lots located to the south of the subject property around Boitano Lake. These lots were created before the creation of the Agricultural Land Reserve and the Commission does not believe that they reduce the suitability of the subject property for agricultural use.

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 applicants suggest that the proposal creates properties that could be used for farming, the Commission 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. It is the Commission's belief that subdivision generally leads to less rather than more agricultural activity. The Commission recalled that it had refused a previous application to subdivide this property into 18 lots. In considering the current application to subdivide the property into 11 lots, the Commission still 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 Dempsey

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 # 861/2009