



Agricultural Land Commission Staff Report

DATE: August 25, 2009
TO: Vice Chair and Commissioners - Interior Panel
FROM: Simone Rivers

RE: Application # 45927
PROPOSAL: To subdivide the 128 ha property into six 8 ha lots and five 16.75 ha lots

PROPOSAL INFORMATION

Background: Legacy Application # 21-D-38957
Received Date: April 17, 2009
Applicant: ET Farms Inc.
Agent: Tom Smithwick, Q.C.
Local Government: Cariboo Regional District

DESCRIPTION OF LAND

PID: 014-868-709
Legal Description: The East 1/2 of Section 25, Township 46, Lillooet District
Civic Address: Springhouse - 1 km north of Boitano Lake
Area: 128 ha
ALR Area: 128 ha
Purchase Date: July 1, 2007
Owner: ET Farms Inc.

Total Land Area: 128 ha
Total ALR Area: 128 ha
Current Land Use: Grazing, storage shed, hay shed, barn, cattle sheds, corrals, three mobile homes.

PROPOSAL DETAILS

Subdivision

Area	Agricultural Capability	Agricultural Capability Source
128.0	Mixed Prime and Secondary	CLI

Number of Lots	Lot Size (ha)
6	8.0
5	16.8

Surrounding Land Uses:

Official Community Plan

Bylaw Name: No OCP

Designation:

OCP Compliance:

Zoning

Zoning Bylaw Name: Central Cariboo Rural Land Use Bylaw No. 3505,1999

Zoning Designation: Resource/Agricultural (R/A)

Minimum Lot Size: 32.0 ha

Zoning Compliance: No

PREVIOUS APPLICATIONS

Application #: 44479

Applicant: ET Farms Inc.

Proposal: To subdivide the 127.8 ha property into 29 four (4) ha lots and one 11.8 ha lot.

Decisions:

Resolution

Number

Decision Date

Decision Description

603

November 7, 2007

Refused on the grounds that the property has good agricultural capability.

Note: Legacy Application # 37719

Reconsideration Request:

Proposal: To reconsider the Commission's refusal to allow the subdivision on the grounds that the Commission considered an old proposal (for 29 lots) that hadn't been approved by the Regional District rather than the more up-to-date proposal (18 lots) that had been approved by the Regional District.

Decision: The Commission reconfirmed the original decision to refuse subdivision and made the following comments in its decision:

The Commission reviewed the information that it had not considered the correct proposal when it evaluated this proposal. The information received from the Regional District with the application showed both the applicant' s original proposal for 29 lots as well as the revised proposal for 18. In its initial review of the application the Commission determined that it would not allow subdivision of the subject property into 29 lots. However, in reviewing the applicant' s new submission as well as the entire

file information the Commission came to the conclusion that the new information did not change the basis on which the original decision was made.

The Commission believes the property has agricultural capability and is correctly designated as ALR, that there are no external factors rendering the land unsuitable for agricultural use and that subdivision of the property into any number of lots would reduce the agricultural options available to the property as well as having a negative impact on the existing or potential agricultural use of surrounding lands.

The Commission believes that any subdivision of the subject property would not be in keeping with its mandate to preserve agricultural land and encourage farming.

Committee Recommendations

Type	Recommendation	Description
Board/Council	Approve	Cariboo Regional District Board: The Regional Board forwarded the application with a recommendation of support subject to 1) fencing of the perimeter 2) no more than two access points to the subdivision are created ---

STAFF COMMENTS

Previous requests to subdivide the subject property into 29 lots and then a reconsideration request to subdivide the property into 18 lots were refused.

In the minutes of the reconsideration request the Commission stated the following:

“The Commission believes the property has agricultural capability and is correctly designated as ALR, that there are no external factors rendering the land unsuitable for agricultural use and that subdivision of the property into ANY number of lots would reduce the agricultural options available to the property as well as having a negative impact on the existing or potential agricultural use of surrounding lands. The Commission believes that any subdivision of the subject property would not be in keeping with its mandate to preserve agricultural land and encourage farming.”

The current application to create 11 lots is not substantially different than the request considered previously to create 18 lots. The applicant states that the current application would allow the creation of “agricultural” lots that could be used for small intensive agriculture and hobby farms. However, this subdivision could still create an expectation in other land owners that similar subdivisions would be approved. It would also be a rural residential intrusion in an area of otherwise large agricultural holdings that are used for grazing and other extensive agricultural purposes.

An onsite report prepared by Ronald Meister RPF, PAg (attached) states that 10 % (12 ha) of the proposed area is not considered arable due to excessive stoniness. The report further states that the lands are most suitable for forage production. The report does not indicate that the subject property has limitations significantly different than surrounding large properties, which are in agricultural use.

Staff notes that the property is located in an area of predominantly large agricultural holdings. The subdivision to the south of the property predates the ALR and is centred around Boitano Lake. Staff notes that the ALR was created to preserve all types of agricultural lands. Large holdings that can be added to ranching operations are an important part of the agricultural landscape in British Columbia and especially in the interior region. Most properties in this region and elsewhere are not considered “viable” as single properties. It has generally been the Commission’ s position throughout its history

that subdivision of large holdings will reduce, rather than increase the likelihood that the land will be used for agricultural purposes.

ATTACHMENTS

38957_AgCapabilityMap.pdf

37719d1 Previous Decision.pdf

37719d2 - Reconsideration Request.pdf

Local Governemnt Staff Report.pdf

Description of Proposal.pdf

38957_AirphotoMap.pdf

38957_ContextMap50k.pdf

END OF REPORT

Signature

Date
