



Agricultural Land Commission
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October 20, 2009

Reply to the attention of Simone Rivers
ALC File: 50120

W. Puhallo
480 Dairy Road
Kamloops, BC V2B 8N5

Dear Mr. Puhallo:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **909/2009** 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 that reads 'Simone Rivers'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

Enclosure: Minutes/

cc: City of Kamloops (ALR00029)

SBR/
i/50120d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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

PRESENT:	Grant Huffman	Chair, Interior Panel
	Lucille Dempsey	Commissioner
	Gordon Gillette	Commissioner
	Simone Rivers	Staff

For Consideration

Application: 50120
Applicant: W.P. Puhallo
Proposal: To subdivide the 57 ha property into seven (7) approximately 8 ha lots.
Legal: PID: 011-902-477
Parcel B of District Lot 311, 312, 313 and 444 Kamloops Division
Yale District, Plan 919 Except Plan 16486
Location: 555 Dairy Road, Kamloops

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

The Commission was presented with a copy of supplementary information provided by the application in response to the staff summary report.

Assessment of Agricultural Capability

The agricultural capability of the soil of the subject property is improvable to 80% Class 2X – 20% Class 3W with limitations of excess water and cumulative and minor adverse characteristics.

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.

The Commission noted that the majority of the property was improved and used for agriculture. The Commission believes that the property has good 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, noting that this part of Kamloops is largely agricultural in nature and surrounding properties are of varying size, with some small holdings and some larger.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. Although the applicant has proposed a parcel size that he believes will promote the land being used as small farms, the Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission believed that the subject parcel has 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 subdivision of the property will be counterproductive and lead to less, rather than more agricultural use of the subject property.

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 have a negative impact on 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 # 909/2009