



**Agricultural Land Commission**  
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October 1, 2009

Reply to the attention of Simone Rivers  
ALC File: 50322

Bob Holtby  
Regency Consultants  
2533 Copper Ridge Road  
West Kelowna, BC V4T 2X6

Dear Mr. Holtby:

Re: **Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # **881/2009** 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-A156)

SBR/  
50322d1



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

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

**For Consideration**

Application: 50322  
Applicant: Donald and Barbara MacDonald  
Agent: Bob Holtby  
Proposal: To subdivide the 71.4 ha property into four (4) 4 ha lots and a 54.9 ha remainder  
Legal: PID: 015-040-321  
District Lot 728, Cariboo District, Except Plan PGP35268  
Location: 2803 Dragon Lake Road, Quesnel

**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 Commissioners were each given a copy of a supplementary submission from the agent at the beginning of the meeting. The submission had been made to address a number of points in the staff report, which had been provided to the agent for comment prior to the Commission’s meeting.

**Assessment of Agricultural Capability**

The Commission took into account the agent’s comments that the agricultural capability of the subject property was not as high as indicated on the CLI map, which indicated that the portion of the property proposed for subdivision could be improved to Class 2 with limitations of soil moisture deficiency and the portion not proposed for subdivision improved to class 2 and 3. The agent states that the property can be improved to classes 3 and 4 if irrigated. The Commission believes that this indicates 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.

### **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. The Commission 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 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

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for submitting a request for reconsideration is one (1) year from the date of the decision letter.

**CARRIED**  
**Resolution # 881/2009**