



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

December 15, 2009

Reply to the attention of Simone Rivers
ALC File: 50580

Clint and Anita Zimmer
2350 Garner Road
Quesnel, BC, V2J 6H6

Dear Mr. and Mrs. Zimmer:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **1386/2009** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Erik Karlsen, Chair

Enclosure: Minutes/

cc: Cariboo Regional District (4035-20-1068)

SBR/
50580d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 5, 2009 at Williams Lake, BC

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

Application: 50580
 Applicant: Clint and Anita Zimmer
 Proposal: To subdivide a 34.1 ha lot from the 88 ha subject property as divided by Garner Road.
 Legal: PID: 017-452-490
 Parcel 1, District Lots 3920 and 3921, Cariboo District, Plan PGP35598
 Location: 2350 Garner 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

Assessment of Agricultural Capability

The agricultural capability of the soil of the majority of the subject property is Class 3X or Class 3D with limitations of D: undesirable soil structure and X: cumulative and minor adverse characteristics

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

The portion of the property that has this rating spans both sides of the highway. A 17.2 ha portion located on the east of the road, is not in the ALR. The Commission noted that the portion of the property located west of the road had been more extensively cleared than the east side.

The Commission believes that the ALR portion of the 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 subject property is in an agricultural area of predominantly large parcels. Although the property is divided by a road, the Commission did not believe that the road is a substantial barrier to the agricultural use of the property as a whole.

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.

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 # 1386/2009