



Agricultural Land Commission
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December 8, 2010

Reply to the attention of Ron Wallace
ALC File: 51874

Cariboo Geographic Systems
PO Box 1270
490 Cedar Avenue
100 Mile House, BC
V0K 2E0

Attention: Nigel Hemingway

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2800/2010** 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, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Thompson-Nicola Regional District (ALR00019)

RW
/51874d1



A meeting was held by the Provincial Agricultural Land Commission on November 10, 2010 at Kamloops, B.C.

PRESENT: Gordon Gillette Vice Chair, Interior Panel
Lucille Dempsey Commissioner
Roger Mayer Commissioner
Ron Wallace Staff

For Consideration

Application: 51874
Applicant: Tamiko & Ernest Charlton
Agent: Cariboo Geographic Systems
Proposal: To subdivide twelve (12) 4 ha lots and one 8 ha lot from a 60 ha parcel, half of which is in the ALR. The subject property is located adjacent to residential units on Highway 97 in 70 Mile House.
Legal: The Fractional SW ¼ of District Lot 1791 Lillooet District Except Plans H100 and 1000
Location: 1829 Cariboo Highway

Site Inspection

A site inspection was conducted on November 9, 2010. Those in attendance were:

- Richard Bullock Chair
- Gordon Gillette Vice Chair, Interior Panel
- Lucille Dempsey Commissioner
- Roger Mayer Commissioner
- Ron Wallace Staff
- Nigel Hemingway Agent

The Commissioners and staff met the agent to view the property and discuss the proposed subdivision. It was noted that the ALR boundary crosses diagonally through the property with the northern portion lying outside of the ALR. The adjacent land to the south of the subject property is residential use, and the proposal is to expand northward with lower density residential development.

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

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

- Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.
- Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

Subclasses

M	soil moisture deficiency
N	salinity
P	stoniness
T	topography

Assessment of Agricultural Suitability

The Commission noted that the local area (Green Lake and Area) is currently undergoing the implementation of its first Official Community Plan; and that the land under application is located to the north of the 70 Mile House settlement area with residential use just south of the subject property. The proposal for this land is to encourage new residential development.

However, the Commission believes the subject land does have agricultural suitability and that the ALR portion of the property should be retained for this purpose. In addition, the Commission believes there may be other land, lying outside of the ALR, which could be developed for residential purposes, and that there is no compelling need to utilize the subject land for low density housing.

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 Mayer

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED
Resolution # 2800/2010