



**Agricultural Land Commission**  
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December 14, 2010

Reply to the attention of Ron Wallace  
ALC File: 51948

Dan Fraser  
2070 Blackwell Road  
Kamloops, BC  
V2C 6V8

Dear Sir:

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

Please find attached the Minutes of Resolution # **2823/2010** 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 'B Underhill', is written over the printed name.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Thompson-Nicola Regional District (ALR00029)

RW  
/51948d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

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**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  
                  Simone Rivers     Staff  
                  Martin Collins     Staff

### **For Consideration**

Application:             51948  
Applicant:                Floyd Charlton  
Agent:                     Dan Fraser  
Proposal:                 To subdivide the quarter section subject property into four (4) parcels of ±16 ha. The parcels will continue to be used for grazing livestock and possibly residential/farming, similar to uses on surrounding properties.  
Legal:                     The NW ¼ of Section 13 Township 19 Range 14 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District.  
Location:                 3304 McKim Road, Pritchard

### **Site Inspection**

A site inspection was conducted on November 10, 2010. Those in attendance were:

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

The Commissioners and staff met with Mr. Fraser on the road adjacent to the subject property to discuss the proposed subdivision. In addition, the Commissioners viewed the subject property from both McKim Road and Duck Range Road.

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

- C     adverse climate
- P     stoniness
- T     topography

### **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. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had 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. Another concern was that if this subdivision were permitted it would heighten the expectations of other property owners in the area to be able to do the same.

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission felt that subdivision of the subject property as proposed was not in keeping with that mandate.

### **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 Mayer  
**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, 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 # 2823/2010**