



Agricultural Land Commission
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January 6th, 2011

Reply to the attention of Martin Collins
ALC File 51693

R.G. Holtby
2533 Copper Ridge Drive
West Kelowna, B.C.
V4T 2X6

Dear Sir:

Re: Request for Reconsideration

This is further to your letter of September 23rd, 2010 in which you asked the Provincial Agricultural Land Commission to reconsider Resolution #2483/2010.

The Commission has reconsidered the matter and has attached the Minutes of Resolution #2811/2010 and a sketch plan outlining its latest decision. As agent, it is your responsibility to notify your client(s) accordingly.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in blue ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

cc: City of Prince George

Enclosure: Minutes/Sketch Plan

MC/51693/d2



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on December 10th, 2010 at Prince George, B.C.

PRESENT: Jim Collins Commissioner
Lucille Dempsey Commissioner
Denise Dowswell Commissioner
Martin Collins Staff

For Consideration

A letter from Bob Holtby, dated September 23, 2010 was received requesting that the Commission reconsider its decision to refuse the two lot subdivision of the 64 ha property, recorded as Resolution #2483/2010. It indicated that an adjoining property was recently permitted subdivision (file #44055) and that the Textors (the applicants) believe that their situation is identical.

Application: 51693
Applicant: Dwain and Catherine Textor
Agent: Bob Holtby
Original proposal: To subdivide the 64 ha property into two 32 ha lots
Original decision: Refuse as proposed.
Current proposal: To subdivide the 64 ha property into two 32 ha lots
Legal: PID 013-688-715 S ½ of DL 7862, Cariboo District
Location: Cranberry Hill, City of Prince George

Site Inspection

A site inspection was conducted by Jim Collins on December 8, 2010. The applicant was not in attendance. Commissioner Collins provided the Commission with photographs of the property and his impressions of the land's agricultural potential and of surrounding land uses and farm activity.

Context

The proposal was considered under Section 33 of the Agricultural Land Commission Act (the "Act") which states:

- S33(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, or
 - (c) a recommendation by a facilitator under section 13 relating to a dispute warrants a reconsideration of the original decision.

The Commission believed that the applicant provided evidence that was not available at the time of the original decision and so reconsidered the application.

Discussion

Commissioner Jim Collins provided a summary of his site visit and showed photographs of the property. He indicated that given the location of this ALR area on the westerly edge of the City of Prince George, rural residential uses predominated, and that a ranch/forage operation comprised of multiple large parcels was unlikely to develop, or be sustained in the long term. Instead more intensive agricultural operations were more likely to be developed for this "near urban" area. He believed that there was opportunity to develop intensive specialty crops, such as horticulture or specialty livestock on smaller parcels. Furthermore portions of the subject parcel were not arable, and would make a suitable house site.

After discussion the Commission indicated that it was prepared to reconsider its decision based on its;

- of its 2009 decision to allow the Graham subdivision application (44055)
- the agricultural assessment and recommendations of Commissioner Collins

That being said the Commission did not indicate that it was prepared to routinely subdivide parcels in this area into smaller lots. Rather it intends to review each application on its own merits to determine the impacts of smaller lots on agricultural activity.

IT WAS

MOVED BY: Commissioner J. Collins

SECONDED BY: Commissioner D. Dowswell

THAT for the purposes of Section 33(2) of the *Agricultural Land Commission Act*, there are no persons it considers affected by the reconsideration.

AND THAT the request to subdivide the 64 ha property into two 32 ha lots be approved.

AND THAT the approval is subject to the following conditions:

- the subdivision must be completed within three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution # 2811/2010

ALC APPLICATION # 51693

RESOLUTION # 2811/2010
APPROVED TWO LOT SUBDIVISION

: Layout of Proposed Subdivision

