



Agricultural Land Commission

133 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
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October 15, 2012

Reply to the attention of Liz Sutton
ALC File: 52672

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

Dear Sir:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution #59/2012 outlining the Commission's decision as it relates to the above noted application. The Commission draws your attention to sections 33(1) of the *Agricultural Land Commission Act*.

SECTION 33(1) - RECONSIDERATION OF DECISIONS

Section 33(1) of the *Agricultural Land Commission Act* provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new information and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Liz Sutton', is written over the printed name.

Brian Underhill, Executive Director

Enclosure(s): Minutes

cc: Cariboo Regional District (4035-20-L20110053)

LS/52672d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 17, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Colin Fry	Executive Director

OTHERS PRESENT:

Nigel Hemingway	Agent
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APPLICATION ID: #52672

PROPOSAL: To exclude 16 ha from the ALR for the purpose of subdividing into four 4 ha rural lots. (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*).

PROPERTY INFORMATION:

Parcel ID:	006-731-708
Legal Description:	Lot A, District Lot 4260, Lillooet District, Plan 22776
Civic Address:	6017 Toomey Road and 6032 Horse Lake Road
Size (ha):	16
Area in ALR (ha):	16
Current Land Use:	Residential, mobile home, and outbuildings.
Farm Classification: No (BC Assessment)	

PROPERTY OWNER INFORMATION: Allan & April Roberts
DATE PROPERTY ACQUIRED: July 14, 2011

EXCLUSION MEETING:

A meeting under Part 8 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002 was held on September 17, 2012 at the Commission's offices in Burnaby attended by all Commission members noted above, Nigel Hemingway (Agent); and ALC staff members Liz Sutton and Colin Fry.

Nigel Hemingway attended the exclusion meeting on behalf of the applicants and provided photographs of the subject property to the Commission for review. Mr. Hemingway explained that the applicants do not believe that the land is a viable agricultural parcel, and as such they are proposing to exclude the parcel for subdivision into four lots of 4 ha each. The applicant believes that the proposal would create a low impact transition between the residential development to the south, and the agricultural parcels to the north and west.

During discussion, Mr Hemingway also made the following points:

1. The applicants consulted with the owners of the agricultural properties to the north and west of the subject property. The neighbors did not believe that the proposal for exclusion and proposed subdivision would affect their agricultural operations.
2. The Horse Lake area is a mixed agricultural and residential area. Exclusion of the subject parcel would move the ALR boundary from the southern to northern boundary of the subject property.
3. The subject parcel is located on a north facing hill which may inhibit certain agricultural crops.
4. There is insufficient irrigation for agriculture available on the subject property.
5. The Canadian Land Inventory (CLI) rating applicable to the subject property is Class 4 limited by climate (4C). There is no improved rating for the subject property.
6. If the proposal is approved, the applicants may be subject to a covenant through local government to maintain a fence and vegetative buffer, and to abide by building setbacks.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

After reviewing the file information and considering the Mr. Hemingway's oral submissions the Commission has concluded as follows:

1. The Commission considered the proposal of four non-ALR lots as a buffer between the residential development to the south and the agricultural area to the north and west. The Commission believes that the current parcel is an adequate buffer between the small residential lots to the south and the large agricultural parcels to the north and west.

Conclusion: The current parcel configuration already fulfills the necessity for a buffer between the residential lots outside of the ALR and the large agricultural parcels within the ALR.

2. The CLI rating of the subject property is Class 4C which is typical of the Horse Lake area. While the north facing aspect may inhibit certain types of agriculture, the Commission has

not received satisfactory evidence that the land is incapable of agriculture and that the parcel warrants removal from the ALR.

Conclusion: That the land under application has agricultural capability and is appropriately designated as ALR.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Dyson

THAT the application be refused as proposed.

CARRIED

Resolution # 59/2012