



Agricultural Land Commission
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May 15, 2013

ALC File: # 53029

Richard Cindric
Box 4665
Quesnel, BC
V2J 3J9

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution # 113/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which 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 evidence 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.

Further correspondence with respect to this application is to be directed to ALC Staff.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #113/2013

cc: Cariboo Regional District (4035-20-A20120011)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 21, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53029.

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:

Martin Collins	Regional Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL

To subdivide the subject property into four (4) lots including two lots at 12.85 ha and 12.95 ha, and two lots at 4.60 ha and 4.70 ha as shown in the applicants' submission.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Owner: Michael Patrick Flanagan and Lois Ethel Flanagan

Legal: PID: 007-754-124
Lot C District Lot 2560 Cariboo District Plan 25339

Location: 1998 Dragon Lake Road, Quesnel, BC

Size: 35.9 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.
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COMMISSION CONSIDERATION

The Commission reviewed four previous applications involving the subject property:

- Application #20825 (Dyck, 1987) To exclude the subject property (Lot C, Plan 25339) from the ALR in order to subdivide the shoreline area into 0.8 ha lots and the remainder into 2 ha lots. The Commission by Resolution #173/1987 refused the application on the grounds that the property has excellent agricultural capability and is among the best agricultural land in the Quesnel area. It was believed the introduction of a residential land use would have negative impacts on the surrounding agricultural community.
- Application #20023 (Dyck, 1986) To subdivide the subject property (Lot C, Plan 25339) into eleven (11) lots. The Commission by Resolution #540/1986 refused the proposal on the grounds that the property has good agricultural capability and that subdivision would negatively impact agriculture.
- Application #13937 (Dyck, 1982) To exclude ±4 ha of the subject property (Lot C, Plan 25339) for the purpose of establishing an overnight campsite. The property at the time was used for grazing purposes. The Commission by Resolution #823/1982 refused the proposal as it represents an intrusion into an active farming area.
- Application #08972 (Fiege/Viker, 1979) To subdivide the subject property (Lot C, Plan 25339) into two 17.4 ha lots. It was proposed to use the two properties for grazing livestock; the subdivision would facilitate a partnership split. The Commission by Resolution #11820/1979 refused the proposal on the grounds that the proposed subdivision would be an intrusion into the agricultural community. It is essential to retain properties in this area in as large parcels as possible.

After considering the information the Commission concluded as follows:

1. The improved agricultural capability ratings identified on Canada Land Inventory map 93B/16 are Class 1, 2, 3, 4 and O6. The main limiting factors are (D) undesirable soil structure, (T) topography, (A) soil moisture deficiency, (W) excess water and (I) inundation.

Class 1 – Land in this class either has no or only very slight limitations that restrict its use for the production of common agricultural crops.

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

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 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Organic soils are designated by the letter O and contain 30% or more of organic matter and have a depth of 12 inches or more of consolidated organic material.

Conclusion: While it is recognized that the property has variable soils, it is believed the property predominately has good agricultural capability.

2. The Commission considered the proposed subdivision with regard to the agricultural impact to the subject property.

Conclusion: The Commission maintains its belief that the property is highly suitable for agricultural use and that the proposed subdivision would negatively impact the agricultural potential of the property.

IT WAS

MOVED BY: Commissioner Dyson

SECONDED BY: Commissioner Miles

THAT the proposal to subdivide the subject property be refused.

CARRIED

Resolution #113/2013