



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

February 5, 2014

ALC File: #53356

Robert and Yvonne McCully
8985 Westsyde Road
Kamloops, B.C. V2B 8S4

Dear Mr. and Mrs. McCully:

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

Please find attached the Minutes of Resolution #33/2014 as it relates to the above noted application. The Commission has also attached a sketch plan depicting the decision.

Further correspondence with respect to this application is to be directed to Ron Wallace.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosures: Minutes of Resolution #33/2014
Sketch plan

cc: Thompson-Nicola Regional District (ALR 63)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on January 23, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53356.

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
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Jennifer Carson	Land Use Planner
Lindsay McCoubrey	Land Use Planner
Ron Wallace	Land Use Planner
Colin Fry	Executive Director

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)
To subdivide approximately 52 ha from the 67 ha subject property as divided by Westsyde Road.

PROPERTY INFORMATION:

Owner: Robert and Yvonne McCully

Legal: PID: 014-094-690
That part of the North ½ of Section 12 which Lies to the West of the Right Bank of the North Thompson River, Township 23, Range 17, West of the 6th Meridian, Kamloops Division, Yale District, Except Legal Subdivision 13 Thereof

Location: 8985 Westsyde Road, Black Pines, Kamloops

Size: 67 ha (±59.1 ha within the ALR)

SITE INSPECTION

A site inspection was conducted on January 14, 2014 at the subject property. Those in attendance included the Commissioner Dempsey and applicant Robert McCully.

Commissioner Dempsey visited the property and took pictures which were made available to the Commission. She viewed the eastern portion of the subject property and confirmed that all

of the buildings were located on the western side of the subject property as divided by Westsyde Road. The applicant mentioned that the eastern portion of the property proposed for subdivision is currently used by a neighbour for fall pasture. The applicant and Commissioner also discussed the tendency of the area east of Westsyde Road to flood; however, while it is located within the floodplain, the applicant had never seen the whole area under water. The Commissioner also noted that Kinder Morgan pipeline intersects the property and affects the property on both sides of the road.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report, approved by Commissioner Dempsey on January 14, 2014, constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above. Commissioner Dempsey also gave a verbal summary of the site inspection to all Commission members recorded above.

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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

The land east of Westsyde Road is completely within the ALR and appears to have better suitability for agricultural use than the area west of the road. While the Commission did not consider the road to be a significant impediment to using the property as an agricultural unit, the subdivision as proposed in this particular circumstance would not have an adverse impact on agriculture as it divides the agricultural land from the land which is less useful for agricultural use.

Conclusion: In this particular case, the subdivision as proposed along Westsyde Road will not have an adverse impact on the existing or future agricultural use of the property or surrounding areas.

IT WAS

MOVED BY: Commissioner Bullock
SECONDED BY: Commissioner Johnson

THAT the proposal to subdivide approximately 52 ha from the 67 ha property be conditionally approved.

AND THAT the final approval is subject to:

1. The subdivision be in substantial compliance with the plan submitted with the application;
2. The subdivision plan must be completed within three (3) years from the date of this decision;

AND FINALLY THAT 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 #33/2014

ALC Application # 53356 (McCully)



Approximately 52 ha subdivision of 67 ha subject property approved for subdivision by Resolution # 33/2014