



Agricultural Land Commission
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August 28, 2007

Reply to the attention of Simone Rivers
ALC File: # B - 37376

Michael and Susan Fountain
7197 Perry Road
Burns Lake, BC V0J 1E0

Dear Sir/Madam:

Re: Application subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 406/2007 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Bulkley-Nechako (#1033)

Enclosure: Minutes

RC/iv
37376d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on 9th August 2007 at the offices of the Regional District of Bulkley - Nechako in Burns Lake, B.C.

PRESENT:	Erik Karlsen	Acting Chair, North Panel
	John Kendrew	Commissioner
	William Norton	Commissioner
	Roger Cheetham	Staff

For Consideration

Application: # B- 37376
Applicant: Michael and Susan Fountain
Proposal: To subdivide a 2 ha lot and a 4 ha lot from the 26 ha property. The applicant is proposing to develop an abattoir on the 2 ha lot and to live on the 4 ha property. The remainder would be for general farm use.
Legal: PID: 012-049-956
District Lot 559, East 1/2, Range 5 Coast District
Location: 7197 Perry Road, approximately 13 km northwest of Burns Lake

Site Inspection

A site inspection was conducted on 9th August 2007. Those in attendance were:

- Erik Karlsen Acting Chair, North Panel
- John Kendrew Commissioner
- William Norton Commissioner
- Roger Cheetham Staff
- Mike Fountain Applicant

Mr. Fountain explained his proposal, highlighting the fact that he has been reluctant to incur any further expenses until he has more certainty with regard to the outcome of his proposal to subdivide. He anticipates that the cost of the development will be in the region of \$950 000 and the approval of the subdivisions is important to enable him to raise the capital needed to proceed. He indicated that at present meat has to be taken to Kamloops and Prince George to be slaughtered. He expects to have a capacity to slaughter 30 head of cattle per day.

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.

The Act provides processes for landowners, local governments and First Nations to apply to the Commission to remove land from or to include land into the ALR or to subdivide or use land in the ALR for non-farm purposes.

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 rated as 60% Class 5 with cumulative minor adverse conditions and 40% Class 4 with adverse climate limitations. Soils with these classifications have secondary agricultural capability and are suitable primarily for forage and hay production.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission did 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. The Commission believed the proposal would not have any material impact on the existing or potential agricultural use of surrounding lands. The proposed subdivision of the subject property would reduce the agricultural options on the subject property and in itself was not in the long term interests of agriculture

Assessment of Community Need

The Commission noted and supported the comments of the Ministry of Agriculture with regard to the need for an abattoir in the region and considered that it would bring significant benefits to region's agricultural industry.

Conclusions

The Commission considered that the negative aspects of the proposal would probably be outweighed by the significant regional benefits to agriculture that would result from the construction of an abattoir. It was thus sympathetic to the intentions of the applicant but considered that substantially more work was required with regard to the details and financial arrangements relating to the proposal. On the basis of the information at present available it considered that it was premature to give an approval.

IT WAS

MOVED BY: Commissioner William Norton

SECONDED BY: Commissioner John Kendrew

THAT the application be refused.

CARRIED

Resolution # 406/2007



Staff Report
Application # B – 37376
Applicant: Michael and Susan Fountain

DATE RECEIVED: April 23, 2007

DATE PREPARED: July 18, 2007

TO: Chair and Commissioners – North Panel

FROM: Simone Rivers, Land Use Planner

PROPOSAL: To subdivide a 2 ha lot and a 4 ha lot from the 26 ha property. The applicant is proposing to develop and abattoir on the 2 ha lot and to live on the 4 ha property. The remainder would be for general farm use.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Bulkley-Nechako

Legal Description of Property:

PID: 012-049-956
District Lot 559, East ½ of Range 5 Coast District

Purchase Date:

1988

Location of Property:

7197 Perry Road, approximately 13 km northwest of Burns Lake

Size of Property:

26.0 ha (The entire property is in the ALR).

Present use of the Property:

Residence, Barn, grainary, shop, woodshed, carport, work shop, power supply shed, cabin

Surrounding Land Uses:

WEST: Indian Reserve, Bush
SOUTH: Indian Reserve, Bush
EAST: Bush, hayfield
NORTH: Bush, hayfield

Agricultural Capability:

Data Source: Agricultural Capability Map # 93K/5
The majority of the property is identified as having Secondary ratings.

Official Community Plan and Designation:

Burns Lake Rural OCP Bylaw No. 637 (1990)
Designation: Agricultural Reserve

Zoning Bylaw and Designation:

Regional District of Bulkley-Nechako Zoning Bylaw No. 700 (1993)
Designation: Agricultural (Ag1)
Minimum Lot Size: 16 ha

PREVIOUS APPLICATIONS:

Application #05231-0

Applicant: Fountain, Bill
Decision Date: November 16, 1977
Proposal: To subdivide the property into four lots. The owner wishes to sell the property to his 4 children.
Decision: Refused.

RELEVANT APPLICATIONS:

Application #21484-0

Applicant: Wilson, Ray & Zelda
Decision Date: September 25, 1987
Proposal: To construct a second dwelling to accommodate a family member. The property is not farmed.
Decision: The local authority supported the application and the Commission allowed the second dwelling.

Application #23168-0

Applicant: Lindaas, Stanely and Moira
Decision Date: June 01, 1989
Proposal: To subdivide one parcel of 2 ha from the subject property to contain the existing dwelling unit and separate it from the golf course business.
Decision: Refused as subdivision of a small lot in this area would constitute a rural residential intrusion into an agricultural area. The Commission would have no objection to the addition of living quarters to be located upstairs above the clubhouse.

Application #08710-0

Applicant: Hart, George

Decision Date: July 3, 1979

Proposal: To subdivide the 16 ha property into a 5.2 ha lot and a 10.8 ha lot.

Decision: Refused on the grounds that the property has potential for agriculture, particularly forage crops. The Commission is willing to reconsider the application if Mr. Hart would consider consolidation of the remaining 10.8 ha of lot 559 with the adjacent property, DL 553.

Application #08710-1

Applicant: Hart, George

Decision Date: October 12, 1979

Proposal: A letter from the applicant was considered agreeing to subdivision with consolidation.

Decision: That the applicant be permitted to subdivide 5.2 ha from DL 559 if the remainder is then consolidated with DL 553.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Bulkley-Nechako Regional District Board: The Regional Board forwarded the application with a recommendation of denial.

STAFF COMMENTS:

- The Agricultural capability of the subject property is 60% Class 5XC – 40% Class 4C
- The Ministry of Agriculture representative, the advisory planning commission and the local government staff all expressed concern with the application on the grounds that the applicant did not appear to have concrete plans for the development of his abattoir business. They further state that they believe that subdivision is premature at this time considering the lack of concrete development plans.
- The applicants stated that they need to subdivide in order to finance the proposed developments.
- Staff recommend a site visit to discuss the proposal with the applicants and to determine what progress they have made on the abattoir proposal since submission of the application.
- There are two aspects to this proposal that the Commission must evaluate. First it must decide if this is an appropriate location for the proposed non-farm use, the development of an abattoir. Second, if the Commission decides that an abattoir would be an appropriate use it must decide, if this use justifies the subdivision of the property into three lots.

ATTACHMENTS:

- Sketch of proposed subdivision (submitted by the applicant)
- Portions of the local government staff report: Dated February 22, 2007. (2 pages)
- Maps: context map and Agricultural capability map - (created by the Regional District of Bulkley Nechako)
- Location Map - (created by the Regional District of Bulkley Nechako)
- ALC Context Map - 93K/5 - 1:50,000 (created by ALC Staff)
- Airphoto - 1:10,000 (created by ALC Staff)

END OF REPORT

Simone Rivers
Signature

July 18, 2007
Date