



Agricultural Land Commission
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November 13, 2008

Reply to the attention of Terra Kaethler
ALC File: B-38390

Leonhard and Josefine Zach
11656 Hislop Road
Telkwa, BC V0J2X1

Dear Sir/Madam:

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 709/2008 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

Enclosure: Minutes

cc: Regional District of Bulkley-Nechako (1055)

TK /
i/38390.d1



A meeting was held by the Provincial Agricultural Land Commission on October 24, 2008 in Vanderhoof, B.C.

PRESENT:	William Norton	Chair, North Panel
	Denise Dowswell	Commissioner
	John Kendrew	Commissioner
	Terra Kaethler	Staff

For Consideration

Application: # B- 38390
 Applicant: Leonhard and Josefine Zach
 Proposal: Subdivision For a Relative: To subdivide the 32.4 ha subject property to create three (3) parcels along Hislop Road and Van Horn Road. Applicants would like to provide their two (2) children with a home-site.
 Legal: PID: 013-706-748
 Location: District Lot 791, East 1/2 of the East 1/2, Range 5 Coast District
 Located at 11656 Hislop Road, approximately 6.5 km southeast of Smithers at the junction of Hislop Road and Van Horn Road.

Site Inspection

A site inspection was conducted on October 24, 2008. Those in attendance were:

- William Norton Chair, North Panel
- Denise Dowswell Commissioner
- John Kendrew Commissioner
- Terra Kaethler Staff
- Leonhard Zach Applicant
- Andrea Zach Applicant's daughter

The Commission met with the applicants and discussed the proposal. The property was at high altitude and close to the end of Hislop Road. The applicants provided the Commission with a letter from an agrolologist who had conducted a site inspection.

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.

Discussion

Assessment of Agricultural Capability

According to the BC Land Inventory (BCLI), the agricultural capability of the soil of the subject property is 70% Class 4 with limitations of stoniness and 30% Class 5 with limitations of stoniness and topography.

Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Class 5 – Land in this class has limitations that restrict its capability to producing perennial forage crops or other specially adapted crops.

However, the Agrologist letter provided to the Commission at the site visit stated that the overall agricultural capability of the property was rated as Class 6D.

The Commission recognized the agricultural capability on the subject property was limited. However, it was held that subdivision would further serve to compromise the agricultural potential of the property.

Assessment of Agricultural Suitability

The Commission considered whether the property was suitable for agriculture. This consideration included details such as property size, surrounding land use and limitations to agriculture. Although the property is divided by two roads, the Commission did not believe that they presented a substantial barrier to the agricultural use of the property as a whole. As such, 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. In the Commission's view, reduction of parcel size generally reduces the available options for agricultural use. The Commission believed that the subject parcel had more agricultural potential as a single unit and that subdivision would negatively impact the agricultural opportunities available to the subject property in the long-term.

Further, the Commission believed that subdivision of the subject parcel would encourage further parcelization of properties within agricultural areas and may impact agricultural use of surrounding lands by introducing more residential uses within the ALR.

As such, the Commission believes the proposal would negatively impact existing or potential agricultural use of the subject property and surrounding lands.

Conclusions

1. That the land under application has limited agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.

IT WAS

MOVED BY: Commissioner Kendrew
SECONDED BY: Commissioner Dowswell

THAT the application be refused;

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.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.*
- (2) The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration and the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter.

CARRIED
Resolution # 709/2008