



**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

July 14, 2009

Reply to the attention of Simone Rivers  
ALC File: B-39001

Mark Fisher  
10668 Hislop Road  
Telkwa BC V0J 2X1

Dear Mr. Fisher:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 316/2009 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 (1076)

SBR/  
i/39001d1



## **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 predominantly Class 5 and 6 with a limited amount of Class 4. The soil limitations include topographic, stoniness and shallow soil and bedrock outcroppings

The site inspection drew attention to the portions of the property where the soils appear to be better.

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

### **Assessment of Agricultural Suitability**

The Commission did not consider that external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. Nor did the Commission believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission assessed the impact of the proposal against the long term goal of preserving agricultural land. It recognized the effort that the applicant has put into his operation and that for the market gardening operation to grow as intended there was a need for additional labor. The Commission spent some time evaluating the need to provide accommodation against its general policy of not approving second dwellings because of the potential for conflicts between residents and nearby agricultural operations and the resulting pressure over time for subdivision. The Commission noted that the size of property and the area farmed was much smaller than the thresholds usually used to justify second dwellings for farm help. Moreover the property generally has limited agricultural capability. While the Commission was sympathetic to the applicants needs and recognized that market gardening is more labor intensive than most other forms of farming it was not convinced that a second dwelling for farm help could be justified at the present time. It noted that the farm has not been in operation sufficiently long to establish a track record that gives sufficient confidence that the farm will remain and grow in the medium to longer term. In the event that the farm does not succeed the second dwelling would remain with the potential for negative impacts on the future agricultural potential of surrounding lands.

### **Assessment of Other Factors**

The Commission noted that the Regional Board did not take a position. It also noted that the Ministry of Agriculture suggested that a mobile home be erected and that the applicant had indicated at the site inspection that he was not in support of a temporary structure.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

### **IT WAS**

**MOVED BY:** Commissioner Norton  
**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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that have jurisdiction under an enactment.

**CARRIED**  
**Resolution # 316/2009**