



Agricultural Land Commission
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June 18th, 2010

Reply to the attention of Simone Rivers
ALC File: 51709

Donna McLellan
8120 - 97th Ave
Fort St John, BC
V1J 1L9

Dear Madam:

Re: Application to Subdivide within the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 2467/2010 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 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District File: #41/2010

MC/51709d1

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

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.

The agricultural capability of the soil of the subject property is:

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

The limiting subclass is adverse climate.

Although the property was forested, and undeveloped for agriculture the Commission confirmed that the land's capability for agriculture was generally similar to most of the developed ALR land in the region.

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. It was noted that the adjoining parcels to the east of the subject property were 4 ha rural residences and that lands further to the east were subdivided for rural residential purposes. These subdivisions were supported by the current North Peace Official Community Plan and the Fort St John and Area Comprehensive Development Plan. However the recently endorsed (but not yet adopted) North Peace Fringe Official Community Plan designates the subject property for "agriculture". In view of this, the Commission believes that it is important to remain consistent the most recent community vision for this area, as per the Peace River Regional District's draft North Peace Fringe OCP.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. It is the Commission's general view that subdividing rural residential parcels from quarter sections is not supportive of agriculture. Subdivision reduces agricultural capability, raises expectations of further subdivision, and introduces another rural resident into a farm area.

Assessment of Other Factors

The Commission also believed that the potential for the subdivision was minimal because public access could not be achieved in this corner of the property without dedicating road right of way either from lands not owned by the applicant, or by an excessively long 800 meter access along the east boundary of the property.

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. The proposed subdivision is inconsistent with the proposed North Peace Fringe OCP.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Jim Collins

SECONDED BY: Commissioner William Norton

THAT the application to subdivide a 1.8 ha lot from the 65 ha property 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 # 2467/2010