



Agricultural Land Commission
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July 5, 2011

Reply to the attention of Gordon Bednard
ALC File: #51984

Bud Middleton Consulting Ltd
Box 336
Charlie Lake, B.C.
V0C 1H0

Dear Sirs:

Re: Application to Exclude land from the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 243/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District #125/2009

GB/
51984d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on May 26, 2011 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Roger Mayer	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowsell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard Land Use Planner

APPLICATION ID: #51984

PROPOSAL:

To exclude the 108 ha parcel for the purposes of subdividing into 30 lots of various sizes, ranging from 1.8 ha to 10 ha. (Submitted pursuant to section 30(1) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 008-462-224

Legal Description: Lot 1 Section 17 Township 85 Range 20 West of the 6th Peace River District Plan 23632

Civic Address: Off Alaska Highway, north and west of Charlie Lake

Size: 108 ha

Area in ALR: 108 ha

Current Land Use: Rural residential, land is mostly forested

Farm Classification: No
(BC Assessment)

PROPERTY OWNER INFORMATION:

1. Bud Middleton Consulting Ltd

DATE PROPERTY ACQUIRED: August 21, 1996

SITE INSPECTION MEETING:

At the request of the applicant there was no onsite inspection.

EXCLUSION MEETING:

Pursuant to section 30(5) of the *Agricultural Land Commission Act* the applicant requested the Commission waive the required notice and the requirement to have a meeting with the applicant with respect to the application.

COMMISSION CONSIDERATION:

Section 6 of the *Agricultural Land Commission Act* identifies the purposes of the Commission 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.

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

Subclasses

C adverse climate

Organic Soils - Organic soils are grouped into seven classes, designated as O1 to O7. The organic soil class definitions are equivalent in terms of their relative capabilities and limitations for agricultural use to those defined for mineral soil.

Subclasses

W excess water

Appended to the application file is a report from Robert Green PAg who concludes that the land should be considered for removal from the ALR and be labeled class 6 due to the cumulative adverse effects exhibited on the property.

Other Factors

The Commission has consistently refused to endorse the 'residential' OCP designation on this land which would facilitate subdivision. The Commission has also been consistent over the years in discouraging subdivision in this area as it considers smaller properties are less able to support a wide range of agricultural options. As well, farms containing land with limitations as this property appears to contain, require a larger land base than those with higher agricultural capability. The Commission has also considered and refused two previous applications (both brought by the present applicant) for subdivision of the property into residential lots.

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Bert Miles

That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land, and that therefore 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 # 243/2011