



Agricultural Land Commission
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April 28th, 2011

Reply to the attention of Martin Collins
ALC File: 52076

Raymond and Karen Kvile
PO Box 149
Rose Prairie, B.C.
V0C 2H0

Dear Sir/Madam:

Re: Application for Subdivision within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #163/2011 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 'Martin Collins', is written over a horizontal line.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District File: #143/2010



A meeting was held by the Provincial Agricultural Land Commission on April 11th, 2011 at Fort St John, B.C.

PRESENT:	Richard Bullock	Chair
	Denise Dowswell	Commissioner
	Jim Collins	Commissioner
	Martin Collins	Staff

For Consideration

Application: 52076
Applicant: Raymond and Karen Kvile
Proposal: To subdivide a 4 ha lot from the 65 ha property for a residence for the applicant's son.
Legal: PID 014-601-265 NW ¼ of Section 20, Twp. 87, R. 18, W6M, Peace River District
Location: Rose Prairie, north of Fort St John

Site Inspection

Commissioner J. Collins met with the applicant on April 6th, 2011, and discussed the application, and viewed the area proposed for subdivision.

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

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 7:3X 3:4W:

- Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.
Class 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

The limiting subclasses are excessive wetness, and cumulative and minor adverse soil conditions. On balance the affected land has good capability for agriculture and is cleared and developed for agriculture.

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. The Commission does not believe there are external factors that render the land unsuitable for agricultural use. The subject property is similar in size and use to other agricultural properties in this farm area where large parcels and farm uses predominate.

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 is generally concerned about the subdivision of small lots in farm areas, believing that subdividing 2 ha – 4 ha residential lots erode the agricultural capability of larger lots, and introduce non-farm residents into farm areas. It is the Commission's experience that once small lot subdivision is permitted, similar requests follow in the area, resulting in speculative purchase of farmland for rural residential subdivision rather than for farm development. In addition small lot residents have potential to conflict with farming, either through complaining about typical farm noises and smells, or trespassing onto farmland.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal has potential to negatively affect agricultural activity by eroding agricultural potential and introducing a non farm resident into this farm area.
3. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner J. Collins
SECONDED BY: Commissioner D. Dowswell

THAT the application to subdivide a 4 ha lot from the 65 ha parcel be refused as proposed.

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, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration

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 #163/2011