



Agricultural Land Commission
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July 5, 2011

Reply to the attention of Gordon Bednard
ALC File: #52163

Chad & Rebecca Lenz
PO Box 731, Caroline, Alberta
T0M 0M0

Dear Sir and Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 215/2011 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 (file # 173/2010)

GB/
52163d1



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 Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard Land Use Planner

APPLICATION ID: #52163

PROPOSAL: To subdivide a full section (approximately 256 ha) into two equal east and west half sections.

(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

PROPERTY INFORMATION:

Parcel ID: 027-560-341

Legal Description: Section 16, Township 83, Range 25 W6M Peace River District

Civic Address: Lahagarte Road, North of Hudson's Hope

Size: 256 ha

Area in ALR: 256 ha

Current Land Use: Mainly agricultural, mostly cleared land with some remaining forested/scrub. Residence and outbuildings (including Atco trailer for contracting office).

Farm Classification: Yes

(BC Assessment)

PROPERTY OWNER INFORMATION:

1. Rebecca Carol Lenz (Joint Tenant)
2. Chad William Lenz (Joint Tenant)
- 3.

DATE PROPERTY ACQUIRED: July 17, 2008

SITE INSPECTION MEETING:

No site inspection or onsite meeting was held with regard to this 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 a mixture of:

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.

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
X	cumulative and minor adverse
W	excess water

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
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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. This property is surrounded by lands of similar agricultural development and quality, and is located in a substantially rural area. Little non-farm activity which might negatively impact on agricultural operations is in evidence on surrounding lands.

Assessment of Potential 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 reluctant to divide large agricultural parcels into smaller properties as it may limit future agricultural land use options on the subdivided lands. The Commission believes the proposal would impact existing or potential agricultural use of the subject and surrounding lands.

Other Factors

The Commission noted that the applicant's had previously requested subdivision of the property into two lots which was refused. As well, the Commission is aware that the applicants only recently purchased the property and must have been aware of the land use and subdivision restrictions implied in the ALR designation 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. That the proposal will impact agriculture.
4. That the proposal is therefore inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Bert Miles

THAT the application be refused for the above reasons.

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 # 215/2011