



Agricultural Land Commission
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April 21, 2011

Reply to the attention of Martin Collins
ALC File: 52193

James Little
SS2, Site 13, Comp 23
Fort St John, B.C.
V1J 4M7

Dear Sir:

Re: Application for Subdivision within the Agricultural Land Reserve

Please find attached the Minutes of Resolution #164/2011 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District File: #103/2011



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: 52193
 Applicant: Donald and Debra Smith
 Agent: James Little
 Proposal: To subdivide the 1/2 section (128 ha) into two 1/4 sections (64 ha)
 Legal: 004-371-186 S 1/2 of Sec. 22, Twp 84, R. 19, W6M, Peace River District
 Location: East of Charlie Lake on the 271 Road

Site Inspection

The Commissioners and staff noted above met with Jim Little on April 11th, 2011.

James Little confirmed that the staff report had been received and no errors or omissions were identified. The Commissioners viewed the undeveloped (forested) 1/4 section containing the existing home, and the cultivated 1/4 section. James Little indicated that the land had challenges to cultivation due to topography and sandy soils; characteristics that could result in erosion.

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 7:3C 3:4T:

- 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 a severe climate and topography..

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. Parcel sizes are generally large in this area and cultivation is occurring.

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 believes the proposal would not be supportive of agriculture, because it is likely that an additional residence would be constructed on the westerly ¼ section, reducing its agricultural capability.

Assessment of Other Factors

The Commission believes that subdivision into ¼ section parcels in near urban areas does not necessarily benefit agriculture because pressures to use land for residential purposes are significant.

The Commission also noted that the scale and location of the developed homesite on the proposed easterly ¼ section was not supportive of future agricultural development.

Conclusions

1. That the land under application has agricultural capability, is appropriately designated as ALR, and is suitable for agricultural use.
2. That the proposal will negatively impact agriculture.
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 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 #164/2011