



Agricultural Land Commission
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November 16, 2011

Reply to the attention of Gordon Bednard
ALC File:#52217

Katharina and Herbert Keuth
PO Box 13,
North Pine BC
V0C 2A0

Dear Sir and Madam:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 386/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in purple ink, appearing to read 'Brian Underhill', is written over a horizontal line.

Brian Underhill, Executive Director

cc: Peace River Regional District Attn: Jodi Maclean file # 28/2011

GB/
52217d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

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

COMMISSION MEMBERS PRESENT:

Gordon Gillette	Chair
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52217

PROPOSAL: Proposal to subdivide 1.8 ha from the half section (128 ha) to provide a residence for the applicants. The applicants presently live on a nearby property and would like to build a new home on a small property proposed to be created from the subject property.

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

PROPERTY INFORMATION:

Parcel ID: 027-358-097

Legal Description: Parcel A Section 15 Township 86 Range 18 Peace River District Plan BCP33750

Size: 128.6

Area in ALR: 128.6

Current Land Use: agriculture

Farm Classification: Yes
(BC Assessment)

PROPERTY OWNER INFORMATION:

1. Herbert and Katharina Keuth

DATE PROPERTY ACQUIRED: June 1991

SITE INSPECTION MEETING:

A site inspection meeting was conducted on June 13, 2011 following which a report was prepared.

Section 14(2) of the *Agricultural Land Commission Act* provides that a member of the Commission who was not present at a meeting to determine an application or other matter may vote on the application or matter only if a summary of the meeting is given to the member before the vote. The site inspection meeting report, constitutes a written record of the site inspection meeting and has been provided to all Commission members recorded above.

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 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

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

Subclasses

C adverse climate

T topography

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 located in an area of extensive agricultural development with few (if any) external non-farm development pressures. Lands in this region have been developed for agriculture in recognition of their high agricultural capability.

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 believes the proposal would impact existing or potential agricultural use of surrounding lands. The Commission is generally not supportive of subdivisions which create small residential lots in agricultural areas as the Commission believes

such a practice would introduce potential conflicts between non-farm residents and the farm community.

CONCLUSIONS:

1. That the land under application has good agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Gordon Gillette

SECONDED BY: Commissioner Jerry Thibeault

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 # 386/2011