



Agricultural Land Commission
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November 25, 2011

Reply to the attention of Gordon Bednard
ALC File: #52316

Abe Unruh
By E-mail:
abeunruh38@gmail.com

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 427/2011 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District Attn: Tim Donegan file # 57/2011

GB/
52316d1



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
Jim Collins	Commissioner
Richard Bullock	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Colin Fry	Executive Director

APPLICATION ID: #52316

PROPOSAL: To subdivide an 11 ha lot from the 65 ha parcel for a retirement/family member homesite.

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

PROPERTY INFORMATION:

Parcel ID: 014-640-431

Legal Description: The North East 1/4 of Section 8 Township 84 Range 15 West of the Sixth Meridian Peace River District

Size: 65 ha

Area in ALR: 65 ha

Current Land Use: One dwelling, large shop building, agriculture

Farm Classification: Yes
(BC Assessment)

PROPERTY OWNER INFORMATION:

1. Abraham and Leona Unruh

DATE PROPERTY ACQUIRED: 1977

SITE INSPECTION MEETING:

A site inspection meeting was conducted on October 4, 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 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.

Subclasses

X cumulative and minor adverse
W excess water

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 in an area of extensive farm activity and little to no non-farm residential use. As such, there appears to be little to no pressure for non-farm activities in this area.

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 very reluctant to allow subdivision of lands for residential purposes in active farming areas, believing that over time, such subdivisions would introduce a substantial non-farm element into an agricultural area which could eventually lead to land use conflicts. As well, the Commission is concerned that subdivision of the residential and shop area away from the balance of the subject property would necessitate the new owner of the farm portion constructing the same facilities again in support of his/her farm activities. This

would reduce the farmable area of the subject lands even further. For these reasons the Commission believes the proposal would negatively impact existing or potential agricultural use of the subject property and surrounding lands.

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 therefore 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 Lucille Dempsey

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 # 427/2011