



**Agricultural Land Commission**  
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April 20,2012

Reply to the attention of Gordon Bednard  
ALC File:#52224

JaMar Trucking and Farm Ltd  
SS2 Comp 18, Site 5  
Fort St. John BC  
V1J 4M7

Attention Marion and James Sodegren:

**Re: Application to Subdivide land in the Agricultural Land Reserve**

Please find attached the Minutes of Resolution # 476/2011 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 'Brian Underhill', is written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District File # 11/2011

GB/  
52224d1



## PROVINCIAL AGRICULTURAL LAND COMMISSION

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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
Richard Bullock	Commissioner

### COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Colin Fry	Executive Director

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### APPLICATION ID: #52224

**PROPOSAL:** To subdivide two lots of 3.5 ha (7 ha total) for rural residential development from the 58.7 ha property. The applicants intend on retaining one of the subdivided lots for their daughter.

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

### PROPERTY INFORMATION:

**Parcel ID:** 014-883-741

**Legal Description:** SE ¼ Section 4, Twp 84, Rge 19, W6M, Peace River District Plan PGP45017

**Size:** 58.7 ha

**Area in ALR:** 58.7 ha

**Current Land Use:** 36 ha cropland, 4 ha hayland, balance is bushland

**Farm Classification:** Yes (BC Assessment)

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### PROPERTY OWNER INFORMATION:

JaMar Trucking and Farm Ltd (owners: Marion and James Sodegren)

**DATE PROPERTY ACQUIRED:** April 2000

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### SITE INSPECTION MEETING:

A site inspection meeting was conducted on June 14, 2011 following which a report was prepared and forwarded to the applicant for their information/comment.

**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.

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## **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. With the exception of the rural residential lots located to the east of the subject property (outside the ALR), the majority of the area surrounding the property is used primarily for agriculture or farm residences.

### **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 has concerns that the creation of small residential lots at the expense of large agricultural properties which could be used for agricultural production will lead to increased speculation regarding the possibility of future division of large acreage farmland in the area. The Commission is convinced that the subject property has the capacity for agricultural use, and subdivision would lessen that capacity.

**Other Factors:**

The Commission recalled that it had refused a previous application for the same subdivision in September of 2000. That application was also reconsidered and refused on several occasions based on new information.

The Commission also noted the report prepared by Kirk Fowler PAg, of Pioneer Environmental which was part of the previous application and was cited in the present application. The Commission's conclusions with regard to this report remain the same – that the Commission considers the subject property to have prime agricultural capability (class 3).

Finally, the Commission recalled applications made by a former owner of the subject lands which resulted in the creation of a residential lot to the east of the area presently proposed for subdivision, and its subsequent re-subdivision into two residential lots. The initial subdivision was allowed as the owner qualified for consideration under the Commission's Homesite Severance policy. The subsequent subdivision, for a relative of the owner, was based on the Commission's view that the homesite lot was relatively small in comparison to surrounding properties, and therefore had limited agricultural suitability.

**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 Jerry Thibeault  
**SECONDED BY:** Commissioner Richard Bullock

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 # 476/2011**