



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 30, 2011

Reply to the attention of Gordon Bednard
ALC File: 52251

Kane Piper
RR#2
Dawson Creek BC
V1G 4E8

Dear Sir:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 437/2011 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans and the restrictive covenant to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan and concurrent registration of the restrictive covenant.

Other approvals may be necessary. Prior to proceeding, the Commission suggests you contact your Local Government.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

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

Brian Underhill, Executive Director

Enclosure: Minutes/Sketch Plan
Covenant example

cc: Peace River Regional District Attn: Jodie Maclean

GB/
52251d1



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: #52251

PROPOSAL: To subdivide a 2 ha lot containing a house away from the 65 ha quarter-section.

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

PROPERTY INFORMATION:

Parcel ID: 014-459-680

Legal Description: The South West 1/4 of Section 15 Township 79 Range 15 West of the 6th Meridian Peace River District

Size: 65

Area in ALR: 65

Current Land Use: grain farming

Farm Classification: Yes (BC Assessment)

PROPERTY OWNER INFORMATION:

1. Kane Burl Piper

DATE PROPERTY ACQUIRED: 1995

SITE INSPECTION MEETING:

A site inspection meeting was conducted on June 13, 2011.

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 4 – Land in this class has limitations that require special management practices or severely restrict the range of crops, or both.

Subclasses

- C adverse climate
- X cumulative and minor adverse

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, as presented, would negatively impact existing or potential agricultural use of the subject property and surrounding lands as it would increase the residential potential of the area. However, if the balance of the property were to remain as farmland only (no residence) there would be no increase in the residential component of the area and the balance of the property would be available for agriculture.

CONCLUSIONS:

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

IT WAS

- MOVED BY:** Commissioner Jim Collins
SECONDED BY: Commissioner Jerry Thibeault

THAT the application be refused as presented for the above reasons but the Commission would allow the proposed subdivision subject to the registration of a covenant over the balance of the property restricting the use to agriculture and prohibiting the construction or occupation of any residential structure.

AND THAT the conditional approval is also subject to the following conditions:

- the subdivision be in substantial compliance with the plan submitted with the application
- the registration of a covenant for the purpose of prohibiting the construction or occupation of any residential structure.
- the subdivision must be completed within three (3) years from the date of this decision.

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.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED
Resolution # 437/2011