



Agricultural Land Commission

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August 14, 2012

Reply to the attention of Gordon Bednard
ALC File: 52635

Dale and Mavis Sutherland
RR #1, site 16, Comp 42
Fort St. John, B.C.
V1J 4M6

Dear Sir/Madam

Re: Application to Subdivide Land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **285/2012** outlining the Commission's decision as it relates to the above noted application.

The applicant is 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.*

The applicant is 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.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Brian Underhill', written over a white background.

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Peace River Regional District : File: #206/2011



PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 19th, 2012 at the Agricultural Land Commission offices located at #133 4940 Canada Way, Burnaby, B.C.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Denise Dowswell	Commissioner
Jim Collins	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Gord Gillette	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Land Use Planner
Martin Collins	Regional Planner

APPLICATION: # 52635

PROPOSAL: To subdivide the existing 4 ha homesite from the southeast corner of the 65 ha property, as divided by Indian Creek. The applicant indicates that it is impractical to operate cattle operation close to the creek, and plans to relocate the homesite to the northwest corner of the property.

Legal: PID 014-583-062: NE ¼ of Section 12, Twp 86, R. 19, W6M, Peace River District

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

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.

After reviewing all the file information presented, the Commission concluded as follows:

1. The subject property has a Canada Land Inventory (CLI) of 2C indicating that the land has good capability for agricultural development. It was noted that the majority of the property is cleared and improved for agriculture, primarily forage crops and pasture.

2. Generally, the Commission believes that farm parcels are more likely to be used for agriculture if they are kept as large as possible. Most active farms operations in the northeast part of the province are larger than 65 ha.
3. In addition the Commission also has reservations about subdividing rural residential lots in farm areas. It is the Commission's experience that residents are often not sympathetic to typical farm activities, and that resident's trespassing can negatively affect adjoining farm operations.
4. The Commission assessed the applicant's assertion that it was impractical to develop the infrastructure (corrals/barns) necessary for a cattle operation due to the location of Indian Creek relative to the existing homesite. The Commission concurred that larger livestock handling facilities would likely have to be constructed west of the creek, but noted that the subdivision did not have to occur to relocate the homesite or construct the cattle handling infrastructure. Nor did not believe that the presence of the creek represented an insurmountable barrier for access to the new facilities from the existing homesite (as it can be bridged). The Commission also believed that the subdivision of the 4 ha homesite represented a substantial loss of arable land because its replacement elsewhere on the property would alienate additional arable land.
5. 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.

CARRIED

Resolution #285/2012