



Agricultural Land Commission
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December 18, 2012

ALC File: #52834

Leo Lubbers
Box 3340
Smithers, BC
V0J 2N0

Dear Mr. Lubbers:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #414/2012 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

- 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.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #414/2012
cc: Regional District of Bulkley-Nechako (File: 1124)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 20, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #52834.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner
Denise Dowswell	Commissioner
Jim Collins	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director
Colin Fry	Executive Director

PROPOSAL

To subdivide the 40.0 ha parcel along Highway 16 to create two approximately 20.0 ha lots.
(Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) 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.

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. The Commission considered the impact of the Highway 16 bisecting the property as well as other factors relating to agricultural suitability including property size, surrounding land use

and limitations to agriculture. The Commission noted that ALC Resolution #400/2011 approved a nearby property for subdivision along Highway 16 because *“the sight lines along the Highway, as revealed at the site inspection and reflected in the site inspection report are very limited, making it dangerous to cross and hence difficult to farm both sides as one unit. The Commission noted that the applicant does not own other property adjacent to the proposed subdivision on the eastern side of the road and hence there were no opportunities to require consolidation. The Commission therefore concluded that exceptional circumstances existed in this case that justify the proposed subdivision.”*

The Commission is not convinced that the present application is subject to the same circumstances including site lines that would create an unsafe crossing for livestock and farm implements.

Conclusion:

The Commission does not consider the highway or any other external factor to be a significant impediment to using the property as a single agricultural unit.

2. 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. The improved (CLI) Class ratings applicable to the subject property include:

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Limitations: (D) soil structure, and (X) combination of soil factors.

The subject property is located in an area of predominantly large agricultural parcels within the ALR. The applicable CLI ratings are characteristic of agricultural lands in the area and are generally more productive in larger parcels. The applicant does not provide any agricultural rationale for the proposed subdivision.

Conclusion:

The property has good agricultural capability and as such the proposal for subdivision is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve and encourage agriculture.

IT WAS

MOVED BY: Commissioner Dyson
SECONDED BY: Commissioner Pranger

THAT the request be refused.

CARRIED

Resolution #414/2012